

SECTION 16: ESSENTIAL SERVICES REGULATIONS

Subdivision 1. SCOPE OF REGULATIONS

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

Subdivision 2. EXEMPT FROM REGULATION

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

Subdivision 3. ADOPTION BY REFERENCE OF STATE STATUTES GOVERNING THE PLACEMENT OF PIPELINE.

Pursuant to M.S.A. 394.25 Subdivision 8, the McLeod County Board of Commissioners hereby adopts by reference M.S.A. Chapter 116I Pipelines, Department of Public Safety, Chapter 7535 and City of Hutchinson Municipal Code Chapter 11 Section 8.19. Whenever the provisions of this Ordinance and the state law are inconsistent or different the more restrictive controls shall prevail.

Subdivision 4. MAJOR ESSENTIAL FACILITIES PROCEDURE

Applications for locating any major essential service line or essential service structure in any zoning district shall require a Conditional Use Permit as regulated in Section 20 of this Ordinance in addition to being governed by the following procedures.

1. The applicant shall, on forms provided by the County, file an application, in duplicate, with the Zoning Administrator. The application shall include ten (10) such maps from a Registered Land Survey drawn by a professional surveyor 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 operation of the pipeline shall demonstrate its capability and readiness to execute the contingency plan.
2. One set of the information required in Subdivision 4, Paragraph 1 shall be furnished to the County Engineer, who shall review the information and forward his comments and recommendations to the Joint Planning Board and County Board.
3. The maps and accompanying data, shall be submitted to the Joint Planning Board for review and recommendations regarding the relationship to urban growth, land uses, drainage facilities, highways and recreation and park areas.

4. Following such review, the Joint Planning Board shall make a report of its findings and recommendations on the proposed major essential service line and essential service structures and shall file such report with the County Board.
5. Upon receipt of the report of the Joint Planning Board on the essential service line or structures, the County Board shall consider the application, maps and accompanying data and shall indicate to the applicant its approval, disapproval, or recommend modifications considered desirable to carry out the intent of the Ordinance.

**Subdivision 5. PROVISIONS FOR MAJOR ESSENTIAL SERVICES
CONSTRUCTION**

1. Standards. For major essential service lines the Board establishes the standards for construction as outlined in Figure 1 which is hereby made a part of this Ordinance.
2. Conditions. In addition to the standards as provided for Figure 1, 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 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 ½ inch 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. Shelterbelts, windbreaks, fences and vegetation shall be restored to pre-construction condition with the following exceptions:
 - 1.) Shelterbelt and windbreak replacement shall be to pre-construction density and may allow for operation and 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 16½ 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.

Subdivision 6. INSPECTIONS

The Board may require that a qualified inspector be on the site of installation of major essential service lines or structures. The Board will establish a fee schedule for inspections consistent with applicable state laws and county policies. With respect to pipelines the following shall apply. Before beginning construction a person proposing to construct a pipeline shall pay an inspection fee to the County Treasurer. The fee shall be in the amount of up to \$500 for each mile or fraction of a mile of pipeline that will be constructed in the county. The County Board shall designate an inspector who shall conduct on site inspections of the construction to determine whether the pipeline is constructed in compliance with the provisions of this Ordinance. The inspector shall promptly report to the County Board any failure or refusal to comply with the provisions of this Ordinance and shall issue a written notice to the person constructing the pipeline specifying the violation and the action to be taken in order to comply. During on-site inspection the inspector shall maintain a written log which shall include a record of comments and complaints concerning the pipeline construction made by owners and lessees of land crossed by the pipeline and by local officials. The log shall note in particular any complaints concerning failure to settle damage claims filed by any owner or lessee or failure to comply with the terms of an easement agreement. The log, reports and other records of the inspector shall be preserved by the County Board.

Subdivision 7. MINOR ESSENTIAL FACILITIES PROCEDURE

Applications for locating any minor essential service line or structure in any township or county easement or right-of-way shall be governed by the following procedures:

1. The applicant shall file with the County Engineer, on forms supplied by the County, an application for such permit accompanied by maps and drawings, if available, indicating the locations, alignment and type of service proposed.
2. The application and accompanying data shall be reviewed by the County Engineer and the County Engineer may issue the permit after determining that the application is acceptable and in the best interests of the County.
3. The County Engineer may require in conjunction with the issuance of such permit that:
 - A. The applicant submit "as-built" drawings of the essential service after construction.
 - B. The applicant is to construct the minor essential service to take into consideration contemplated widening, regrading or relocating of a township road, county highway, or county state aid highway.

STANDARDS FOR CONSTRUCTION OF MAJOR ESSENTIAL SERVICE FACILITIES

Page 1	Minimum Depth Under Agricultural Land	Minimum Depth Under Public Road Right-of-Ways	Minimum Depth Under Public Road Surfaces	Minimum Clearance For Drainage Tile	Minimum Depth Beneath Authori- zed Depth of Open Drainage Ditch
Pipelines Natural Gas	(Federal Law) 30"	4 ½ ft.	4 ½ ft.	(Federal Law) 12" over or under	4 ½ ft.
Pipelines Petroleum- Hydrocarbons	4 ½ ft.	4 ½ ft.	4 ½ ft.	12" over or under	4 ½ ft.
Pipelines Water	6 ft.	6 ft.	6 ft.	12" over or under	4 ½ ft.
Pipelines Other	4 ½ ft.	4 ½ ft.	4 ½ ft.	12" over or under	4 ½ ft.
Pipelines Underground	3 ft.	3 ft.	3 ft.	1' over or under	4 ft
Powerlines Overhead	N/A	N/A	N/A	N/A	N/A
Telephone Overhead	N/A	N/A	N/A	N/A	N/A
Telephone Underground	3 ft.	3 ft.	3 ft.	1' over or under	2 ft.

STANDARDS FOR CONSTRUCTION OF MAJOR ESSENTIAL SERVICE FACILITIES

Page 2	Minimum Height Over Agricultural Land	Minimum Topsoil Segregation (Double Ditch)	Drainage Tile Replacement Standards	Required Compaction Around Drainage Tile	Soil Restoration
Pipelines Natural Gas	N/A	2 ft.	To Pre-Construction Condition	(Federal Law) 12" over or under	Restore to Pre-Construction Productivity
Pipelines Petroleum-Hydrocarbons	N/A	2 ft.	To Pre-Construction Condition	12" over or under	Restore to Pre-Construction Productivity
Pipelines Water	N/A	2 ft.	To Pre-Construction Condition	12" over or under	Restore to Pre-Construction Productivity
Pipelines Other	N/A	2 ft.	To Pre-Construction Condition	12" over or under	Restore to Pre-Construction Productivity
Pipelines Underground	N/A	N/A	To Pre-Construction Condition	1' over or under	Restore to Pre-Construction Productivity
Powerlines Overhead	20 ft.	N/A	N/A	N/A	Restore to Pre-Construction Productivity
Telephone Overhead	20 ft.	N/A	N/A	N/A	N/A
Telephone Underground	N/A	N/A	To Pre-Construction Condition	To Ensure Proper Functioning	Restore to Pre-Construction Productivity