

## Appendix C

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Jackson County Ordinance – Sections 609, 610, 611 & 734

Jackson County Ordinance – Section 609

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**609. FLOOD PLAIN DISTRICT (FP)****609.1 General Provisions**

- 1) Purpose - The Flood Plain District is created for the purpose of protecting the public health and safety and to minimize property damage and pollution from flood waters. The standards contained in this District have been incorporated from the model flood plain ordinance developed by the Department of Natural Resources (DNR) in conformance with the Flood Plain Zoning Act.
- 2) Establishment of Official Zoning Map - The official zoning map shall include the Jackson County Flood Insurance Study prepared by the Federal Insurance Administration with an effective date of January 2nd, 1981, along with the Flood Boundary and Floodway Map and the Flood Insurance Rate Map, hereby adopted by reference, et seq. The official Zoning Map shall be on file in the Office of the Jackson County Auditor and Zoning Administrator.
- 3) Establishment of Flood Plain District - The Flood Plain Zoning District (FP) is divided into three Districts: Floodway District, Flood Fringe District and General Flood Plain District. The Floodway District and the Flood Fringe District shall include those areas so designated on the Flood Boundary and Floodway Map. The General Flood Plain District shall include the areas designated as unnumbered A-Zones on the Flood Insurance Rate Map. The boundaries of these areas shall be shown on the Official Zoning Map.
- 4) Regulatory Flood Protection Elevation - The Regulatory Flood Protection Elevation shall be an elevation of no lower than one foot above the elevation of the regional (100 year) flood plus and increases in flood elevations caused by encroachments on the flood plain that result from designation of a floodway. Flood Plain limits are actual areas of inundation based on the Regulatory Flood Protection Elevation.
- 5) Interpretation - The boundaries of the Zoning Districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed as to the exact location of the boundaries of the districts, the Board of Adjustment and Appeals shall make the necessary interpretations based on elevations of the regional flood profile and other available technical data. Persons contesting the locations of the district boundaries shall be given a reasonable opportunity to present their case to the Board and to submit technical evidence.

**609.2 Permitted Uses within the Floodway, Flood Fringe and General Flood Plain Districts**

The following uses have low flood damage potential and do not obstruct flood flows. These uses shall be permitted within the Floodway, Flood Fringe and General Flood Plain Districts to the

extent they are not prohibited by any other Ordinance and provided they do not require structures, fill or storage of materials or equipment.

- 1) General Agricultural uses such as: farming, pasture, grazing, outdoor nurseries, horticulture, truck farming, forestry, sod farming, crop harvesting and such like uses.
- 2) Industrial - commercial uses such as loading and parking areas and other open area uses.
- 3) Public and private recreational uses such as: parks, swimming areas, golf courses, driving ranges, picnic grounds, wildlife and nature areas, game farms, fish hatcheries, target, trap and skeet ranges, provided that no permanent or temporary structure may be required.
- 4) Open space uses such as lawns, gardens, parking areas and play areas.
- 5) Uses permitted in the underlying Zoning Districts that do not require structures, fill or storage of materials or equipment in the General Flood Plain District.
- 6) Essential Service except buildings.
- 7) Small Solar Energy System

### **609.3 Conditional Uses within the General Flood Plain District**

All uses not listed in Section 609.2 above are Conditional Uses and are permissible only upon the issuance of a Conditional Use permit as provided in Section 609.7 of this Ordinance. The General Flood Plain District includes the entire flood plain and does not differentiate between those areas that are Floodway and those areas that are Flood Fringe. Because of this, the County shall determine if the proposed use is located in the Floodway or Flood Fringe using procedures established in Section 609.4 of this Ordinance. If the site location of the proposed use is found to be within the Floodway Area, the provisions of Section 609.5 shall apply. If it is determined that the proposed site is located in the Flood Fringe Area, the provisions of Section 609.6 shall apply. All uses not listed as a permitted use in 609.2 or as a conditional use in 609.5 and 609.6 are prohibited.

### **609.4 Information Required by Applicant**

Upon receiving an application for a Conditional Use permit involving the use of fill, construction of structures, or storage of materials, the County Planning Commission shall, prior to making a recommendation thereon:

- 1) Require the applicant to furnish such of the following information as is deemed necessary by the Planning Commission for determining the regulatory flood protection elevation, whether

the proposed use is located in the floodway or flood fringe, and other factors necessary to render a decision on the stability of the particular site for the proposed use.

- a) Plans drawn to scale showing the nature, location, dimensions and elevation of the lots, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the channel.
  - b) A typical valley cross-section showing the channel of the stream, elevation of the land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and highwater information.
  - c) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevation of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream and downstream, soil types and other pertinent information.
  - d) Profile showing the slope of the bottom of the channel or flow line of the stream for at least five-hundred (500) feet in either direction from the proposed development.
  - e) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
- 2) Transmit one copy of the information described to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is located in the Floodway and Fringe Flood areas of the Flood Plain, in determining the regulatory flood protection elevation, and in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection and other technical matters. Procedures consistent with Minnesota Rules 6120.5000 to 6120.6200 shall be used in this expert evaluation.

### **609.5 Conditional Uses Permitted in the Floodway Area**

- 1) Other uses are allowed only as Conditional Uses within the floodway provide they comply with the provisions of this Section, other standards established in this Ordinance, and any conditions attached by the Planning Commission to the issuance of the Conditional Use Permit. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other use shall be permitted which acting alone or in combination with existing or reasonably anticipated uses affects the efficiency or the capacity of the floodway or increases flood heights. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. Conditional Uses include:

- a) Uses or structures accessory to open space or Conditional Uses.
- b) Road side stands, signs and billboards.
- c) Marinas, boat rentals, docks, piers, wharves, and water control structures.
- d) Railroads, streets, bridges, utility transmission lines and pipelines.
- e) Storage yards for equipment, machinery and materials.
- f) Other uses similar in nature to uses described in 609.2 of this Section which are consistent with the provisions set forth in this Ordinance.

## 2) Fill

- a) Any fill or materials proposed to be deposited in the floodway will be allowed only upon issuance of a Conditional Use Permit. The fill or materials must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.
- b) Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover, or bulk heading.

## 3) Structures (temporary or permanent) Accessory to Conditional Uses Listed in 609.5

- a) Structures shall not be designed for human habitation.
- b) Structures shall have a low flood damage potential.
- c) The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
  - i) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flood flow, and
  - ii) So far as practicable, structures shall be placed approximately on the same flood flow lines as those adjoining structures.
- d) Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river.
- e) Accessory structures shall be elevated on fill to the Regional Flood Protection Elevation

as per Section 609.7 (2)e of this ordinance.

- f) Service facilities such as electrical and heating equipment shall be placed at or above regulatory flood protection elevation for the particular area or adequately flood proofed.
- 4) Storage of Materials and Equipment
- a) The storage of materials that in time of flooding are buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.
  - b) Storage of other material or equipment may be allowed upon issuance of Conditional Use Permits if not subject to major damage by floods and firmly anchored to prevent flotation or readily removable from the area within the time available after flood warning.
- 5) Garbage and Solid Waste Disposal - No Conditional Use Permits for garbage and waste disposal sites or feedlots shall be issued for floodway areas.
- 6) Structural Works for Flood Control - Structural works for flood control such as dams, levees, dikes and floodwalls shall not be allowed within the floodway except upon issuance of a Conditional Uses Permit. In addition, any proposed structural work in the beds of public waters as defined in Minnesota Statutes Chapter 103G which will change the course, current or cross-section of the waters shall be subject to the said statutes and other applicable statutes. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.
- 7) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
- 8) Interim Uses
- 9) A proposed use not listed as a Permitted or Conditional Use shall be deemed non-permitted. Any party seeking a non-permitted use shall file a request for a Conditional Use Permit with the office of the Jackson County Zoning Administrator.

#### **609.6 Conditional Uses Permitted in the Flood Fringe Area**

- 1) Structural or other uses shall be permitted within the flood fringe as Conditional Uses to the extent they are not prohibited by other standards found on other sections of this zoning ordinance and they meet the following applicable standards:

- a) All structures, including accessory structures, must be elevated on fill so that the lowest floor, including the basement floor, is at or above the Regional Flood Protection Elevation (RFPE). The finished fill for structures shall be no lower than one (1) foot below the RFPE and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.
  - b) All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the Regulatory Flood Protection Elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.
  - c) Commercial Uses. Commercial structure must be constructed on fill with no first floor or basement floor below the regulatory flood protection elevation. Commercial structures not elevated on fill to the regulatory flood protection elevation must be flood proofed to the regulatory flood protection elevation in accordance with the standards of the Ordinance. This flood proofing is restricted to FP-1 and FP-2 standards outlined in the U.S. Army Corps of Engineers Floodproofing Regulations dated March 31, 1992, et seq. Accessory land uses, such as yards, railroad tracks and parking lots may be at lower elevation. However, a permit for such facilities to be used by the general public shall not be granted, in the absence of a flood warning system, if the area is inundated to a depth greater than two feet or subject to flood velocities greater than four feet per second upon the occurrence of the regional flood.
  - d) Manufacturing and Industrial Uses. Manufacturing and Industrial buildings, structures and appurtenant works shall be protected to the regulatory flood protection elevation. Manufacturing and Industrial uses that are not elevated on fill must be adequately flood proofed to the regulatory flood protection elevation. Flood proofing is restricted to FP-1 and FP-2 techniques. Measures shall be taken to minimize interference with normal plant operations especially for streams having protracted flood durations.
  - e) Utilities, Railroad Tracks, Streets and Bridges. Public utility facilities, road, railroad tracks and bridges within the flood plain shall be designed to minimize increases in flood elevations and shall be compatible with local comprehensive flood plain development plans. Protection to the regulatory flood protection elevation shall be provided where failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Where failure or interruption of service would not endanger life or health, a lesser degree of protection may be provided for minor or auxiliary roads, railroads, or utilities.
- 2) Removal of Special Flood Hazard Area Designation: The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection



standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

- 3) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
- 4) A proposed use not listed as a Permitted or Conditional Use shall be deemed non-permitted. Any party seeking a non-permitted use shall file a request for a Conditional Use Permit with the office of the Jackson County Zoning Administrator.

#### 609.61 Water Supply and Wastes Disposal in Flood Plain District

- 1) No new construction, addition, or modification to existing waste treatment facilities or on site septic systems shall be permitted within the flood plain unless emergency plans and procedures for action to be taken in event of flooding are prepared, filed with, and approved by the Minnesota Pollution Control Agency. The emergency plans and procedures must provide for measures to prevent introduction of any pollutant or toxic material into the flood waters. New waste treatment facilities shall conform to the waste controls section of this zoning ordinance.
- 2) There shall be no disposal of garbage or solid waste materials within the flood fringe areas.
- 3) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems.

#### 609.62 Recreational Vehicles, Manufactured Homes and Manufactured Home Parks in the Flood Plain District

- 1) The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Section 609.6 (1) a of this Ordinance. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Section 609.6 (1) b, then property owner(s) develops a flood warning emergency plan acceptable to the Governing Body.
- 2) No new Recreational Vehicle, Manufactured Homes or Manufactured Home Parks shall be allowed in the 100 Year Flood Plain.

**609.7 Conditional Use Permits**

Any use listed in 609.5 and 609.6 requiring a Conditional Use Permit may be allowed only upon application to the Zoning Administrator and the issuance of a conditional use permit by the County Board.

**1) Factors for Consideration in the Issuance of a Conditional Use Permit**

Structure accessory to permitted land uses shall be permitted by the Conditional Use only upon consideration by both the Planning Commission and the County Board of the following factors:

- a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
- b) The danger that materials may be swept onto other lands or downstream to the injury of others.
- c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- e) The requirements of the facility for a waterfront location.
- f) The availability of alternative locations not subject to flooding for the proposed use.
- g) The compatibility of the proposed use with existing development and development anticipated in the fore-seeable future.
- h) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- i) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

**2) Conditions attached to Conditional Use Permits**

Upon consideration of the factors listed above and the purposes of this Ordinance, the County Board may attach such conditions to the granting of Conditional Use permits as it deems necessary to further the purposes of this Ordinance. Among such conditions without limitation because of specific enumeration may be included:

- a) Modification of waste disposal and water supply facilities.
- b) Limitations on period of use and operations.
- c) Imposition of operational controls, sureties, and deed restrictions.
- d) Requirements for construction of channel modifications, dikes and levees and other protective measures.
- e) Flood proofing measures. Flood proofing measures shall be designed consistent with the flood protection elevation for the particular areas, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The County Board shall require that the applicant submit a plan or document certified by a Registered Professional Engineer or Architect that the finished fill and building elevations were accomplished in compliance with provisions of this Ordinance. All flood proofing measures shall be certified by a registered Professional Engineer or Architect and done in accordance with the flood proofing regulations prepared by the Army Corp of Engineers, dated March 31, 1992, et seq.
  - i) To resist flotation and lateral movement, either anchor or add mass or weight to the structure.
  - ii) Installation of watertight doors, bulkheads and shutters, or similar methods of construction to resist rupture or collapse caused by water pressure or floating debris.
  - iii) Reinforcement of walls to resist water pressures.
  - iv) Use of paints, membranes, or mortars to reduce seepage of water through walls.
  - v) Install pumping facilities or comparable practices for sub-surface drainage systems for buildings to relieve external foundation wall and basement floor pressures as well as lower water levels in structures.
  - vi) Construction of water supply and waste treatment systems to prevent the entrance of flood waters.
  - vii) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent back-up of sewage and storm waters into the building or structures. Gravity draining of basements may be eliminated by mechanical devices.

- viii) Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding and provide protection from inundated by the regional flood.
- ix) Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety and welfare above the flood protection elevation or provisions of adequate flood proofing to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into flood waters.
- f) First floor elevations. All structures shall be constructed with their basements elevations or first floor elevations if there are no basements at or above the Regulatory Flood Protection Elevation. Any fill shall not be more than one foot below the same elevation for the particular area, and shall extend at least 15 feet beyond the limits of any structure or building erected thereon. It shall be the responsibility of the County Zoning Administrator to keep a record of all basement or first floor elevations on new construction within the Flood Plain District as well as maintain a record of the elevations to which structures or additions to structures are flood proofed.
- g) It is the responsibility of the applicant to obtain all necessary State and Federal approvals and permits. The applicant shall provide the Zoning Administrator with copies of all State and Federal approvals and permits. If the applicant fails to obtain a required State or Federal approval or permit the County Board may revoke the Conditional Use Permit.

### **609.8 Performance Standards**

#### **1) Height Regulations:**

- a) The maximum height of all buildings shall not exceed two and one-half (2 ½) stories or thirty-five (35) feet in height.
- b) Height limitation shall not apply to barns, silos, and other agricultural structures on farms; churches; monuments; chimneys and smokestacks; flag poles; public utility facilities; broadcasting towers; communication towers; meteorological towers; television antennae; parapet walls extending not more than four (4) feet above the limiting height of the building; windmills; cooling towers ; and grain elevators. It is the responsibility of the owner of every structure to comply with any applicable FAA regulations.
- c) The owner of any proposed structure that exceeds one hundred fifty (150) feet in height must be able to demonstrate upon request by the Zoning Administrator that the structure will not interfere with the Allied Radio Matrix for Emergency Response (ARMER)

system.

2) Front Yard Regulations:

a) Required Setback Distance

<u>From Road Centerline</u>	<u>Road Class</u>
130	State Highway
130	County Road and State Aid
65	Township Road
33	Unclassified Road

b) Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

c) If a parcel does not have frontage on a public road, the front yard setback shall be the required front yard setback measured from the centerline of the public road or twenty (20) feet from the property line, whichever is greater.

3) Side Yard Regulations: There shall be a side yard width of not less than twenty (20) feet on each side of the building.

4) Rear Yard Regulations: Rear yard regulations for all buildings shall be fifty (50) feet.

5) Lot Area Regulations: The minimum lot size shall be five (5) acres.

6) Lot Width and Depth Regulations: Every lot or plat of land on which one family dwelling is constructed shall have a minimum width of not less than one hundred (100) feet and a minimum depth of not less than one hundred fifty (150) feet.

7) General Regulations: - Additional requirements for parking, signs, sewage systems, and other regulations are set forth in Section 7.

Jackson County Ordinance – Sections 610 & 611

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## **610. SHORELAND ZONING DISTRICT**

Shorelands in Jackson County have been divided into six categories for purposes of shoreland management. The three lake categories are Natural Environment Lakes, General Development and Recreational Development. Recreational Development Lakes are larger in size and potentially more suitable for all around development and recreation purposes and can thus support a higher density of residential development on the shoreland. Natural Environment Lakes are smaller, often marshy in character, and require stricter shoreland standards to protect the quality of the lake resource. General Development Lakes are generally large deep lakes and are extensively used for recreation with a heavily developed shoreline. Rivers in Jackson County are designated as transitional, agricultural or tributary. Common land uses on transitional rivers include, forested riparian strips with mixtures of cultivated cropland and pasture some seasonal and year round residential development exists. Agricultural river segments are located in intensely cultivated areas. Cultivated crops, pastures, and occasional feedlots are common. Tributary river segments consist of watercourses mapped in the Protected Waters Inventory that have not been assigned as transitional or agricultural. These segments have a wide variety of existing land and recreational use characteristics.

### **610.1 Jurisdiction**

The provisions of this section shall apply to the shorelands of the public water bodies as classified in Section 611 of this ordinance. Pursuant to Minnesota Rules 6120.2500 to 6120.3900, no lake, pond, or flowage less than 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may at the discretion of the governing body, be exempt from this ordinance.

### **610.2 Purpose**

The major purpose of this District is to control the use of any shoreland of public waters; the size the density and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land. Compliance with the terms of this ordinance and other applicable regulations shall preserve the water quality and the natural characteristics of the shorelands and public waters in the County.

**611. THE PROTECTED WATERS SHORELAND CLASSIFICATION SYSTEM FOR WATER BODIES IN JACKSON COUNTY.**

<b>611.1 LAKES</b>				
<b>NATURAL ENVIRONMENT LAKES</b>	<b>I.D. #</b>	<b>OHW</b>	<b>GENERAL USE DISTRICT</b>	<b>SPECIAL PROTECTION DISTRICT</b>
-	32-4		ALL	-
CHANDLER	32-8		ALL	-
BOOT	32-15	141.0*	REMAINING	BELMONT 31 S ½ - NW ¼ - W ½ of NE ¼
LOWERS	32-16		REMAINING	CHRISTIANIA ALL 14 & 15
INDEPENDENCE	32-17		ALL	-
SUMMIT	32-19	1415.7	ALL	-
CLEAR	32-22	1503.5	REMAINING	DES MOINES 18 S ½, EXCEPTING E ½ of SE ¼
PLETZ MARSH	32-27		ALL	-
-	32-28		ALL	-
-	32-29		ALL	-
-	32-30		ALL	-
RUSH	32-31		REMAINING	MINNEOTA 23 N ½ of NW ¼
ANDERSONS MARSH	32-32		REMAINING	MINNEOTA 23 S ½ of NE ¼
PEARL	32-33		REMAINING	MINNEOTA 25 NW ¼; & 23 SE ¼ OF SE ¼
-	32-37		ALL	-
SANGLES SLOUGH	32-38		ALL	-
BIG INJUN SLOUGH	32-39		ALL	-
SUMMAR MARSH	32-40		ALL	-
HUSEN MARSH	32-42		ALL	-
FLAHERTY	32-45	1433.2	REMAINING	HERON LAKE 6 S ½
-	32-52		ALL	-
TEAL	32-53	1436.1	REMAINING	DELAFIELD 30 NE ¼ E ½ of NW ¼
-	32-55		ALL	-
HERON	32-57	1403.0	REMAINING	WEIMER 20, 26 SE ¼, NW ¼ 27, 28, 29, 33, 35. WEST HERON LAKE 2, 3, 10 N ½, 14 SW ¼, 15 E ½ of NE ¼,
SKUNK	32-59		REMAINING	SIOUX VALLEY 27 NE ¼, 23 SW ¼ of SW ¼
-	32-61		ALL	-
-	32-62		ALL	-
RUSH	32-63		ALL	-
-	32-64	1457.7	ALL	-
ROUND	32-69		REMAINING	ROUND LAKE 8 E ½ NW ¼ and N ½ OF SE ¼
PLUMB	32-71	1501.3	REMAINING	ROUND LAKE 15 NE ¼, 10 S ½ of SE ¼
ILLINOIS	32-72	1500.8	REMAINING	ROUND LAKE 21 NE ¼, 16 SE



**PROTECTED WATER CLASSIFICATION**

Section 611-2

<b>611.1 LAKES</b>				
<b>NATURAL ENVIRONMENT LAKES</b>	<b>I.D. #</b>	<b>OHW</b>	<b>GENERAL USE DISTRICT</b>	<b>SPECIAL PROTECTION DISTRICT</b>
				¼, 15 W ½
-	32-80		ALL	-
IOWA	32-84		REMAINING	ROUND LAKE 31 NW ¼ of NW ¼
-	32-92	1424.4	-	-

<b>RECREATIONAL DEVELOPMENT LAKES</b>	<b>I.D. #</b>	<b>OHW</b>	<b>GENERAL USE DISTRICT</b>	<b>SPECIAL PROTECTION DISTRICT</b>
FISH	32-18		ALL	-
LOON	32-20	1406.8	REMAINING	MINNEOTA 25 NE ¼; 24 SE ¼; MIDDLETOWN 19 SW ¼
LITTLE SPIRIT	32-24	1401.6	REMAINING	MINNEOTA 35 SW ¼
GROVERS	32-25		ALL	-
TIMBER	32-58	1431.2	REMAINING	DELAFIELD 7 SE ¼

<b>GENERAL DEVELOPMENT LAKES</b>	<b>I.D.#</b>	<b>OHW</b>	<b>GENERAL USE DISTRICT</b>	<b>SPECIAL PROTECTION DISTRICT</b>
SPIRIT	32-23		-	ALL

\* assumed datum not tied to MSL

The following lakes are listed in the protected waters classification for Cottonwood County but they do have shorelands in Jackson County.

<b>COUNTY LAKE I.D. #</b>	<b>LAKE NAME</b>	<b>CLASSIFICATION</b>
17-24	STRING	GENERAL USE – NE
17-41	SOUTH CLEAR	GENERAL USE – NE

<b>611.2 RIVERS AND STREAMS</b>		
<b>TRANSITION RIVERS</b>	<b>FROM</b>	<b>TO</b>
DES MOINES	NORTH SECTION LINE OF SEC. 17, T103N, R35W BELMONT	SOUTH SECTION LINE OF SEC. 3, T102N, R35W DES MOINES

**PROTECTED WATER CLASSIFICATION**

Section 611-3

<b>AGRICULTURAL RIVERS</b>	<b>FROM</b>	<b>TO</b>
DES MOINES	COTTONWOOD/JACKSON CO. BORDER	SOUTH SECTION LINE SEC. 8, T103N, R35W
DES MOINES	NORTH SEC. LINE SEC. 10, T102N, R. 35W DES MOINES	JACKSON COUNTY IOWA BORDER
ELM CREEK	WEST SEC. LINE, SEC. 32 T104N, R 34W KIMBALL	JACKSON COUNTY MARTIN COUNTY BORDER

**Tributary**

All protected watercourses in Jackson County shown on the protected waters inventory map which have not been given a classification shall be considered "Tributary".

Jackson County Ordinance – Section 734

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**734. WINDPOWER MANAGEMENT****Purpose**

The purpose of this Section is to set forth a process for permitting wind energy facilities with a rated capacity of less than 25 megawatts. Minnesota Statutes, Chapter 216F allows counties by resolution and upon written notice to the Public Utilities Commission to assume responsibility for processing application for permits required under this chapter for LWECS with a combined nameplate capacity of less than 25 megawatts. Projects that are determined to be larger than 25 megawatts in combined nameplate capacity will be processed by the MN Public Utilities Commission.

**734.05 Meteorological Tower**

For the purposes of this Wind Energy Conservation System (WECS) Ordinance, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS.

- 1) Temporary meteorological towers which will be in place for three years or less will require a building permit which will require setbacks equal to setbacks found in Section 734.5
- 2) Meteorological Towers which will be in place for more than three years will require a Conditional Use Permit prior to the issuance of a building permit.

**734.06 Meteorological Tower Permit Application Requirements**

- 1) Latitude/Longitude location.
- 2) Elevation of the site.
- 3) Structures height above the ground level.
- 4) Plan showing the location and required setbacks from property lines and R.O.W.

**734.07 Construction Standards**

All Meteorological Towers must be:

- 1) Painted in alternating bands of aviation white and orange.

- 2) Tower and anchor areas must be maintained free of vegetation.
- 3) Guyed towers shall have 4 marker balls near the top of the tower and four marker balls located above the crop canopy line to insure that they are visible.

### **734.1 Permit Application**

All proposed wind energy facilities that require a Conditional Use Permit as per Section 6 of this Development Code must fill out a Conditional Use Permit application provided by the Jackson County Planning and Zoning Department. The application shall include the following:

- 1) Name of project applicant and name of project owner.
- 2) Evidence of a signed power purchase agreement or documentation that indicates that it is in process.
- 3) Application shall include a project size determination provided by the Minnesota Department of Commerce.
- 4) Site Plan shall be submitted showing the location of all turbines, the latitude and longitude of the individual wind turbines, topography, wetlands, protected waters, roads, electrical equipment, property lines, area residences including measurements to them and other accessory structures. Location of all known communication towers within two miles shall be included in the site plan. Location of all known public or private airports or heliports within six (6) miles of the proposed WECS.
- 5) Project description including the number of turbines, height and diameter of turbine motors, turbine color and rotor direction.
- 6) Discontinuing and Decommissioning Plan. A WECS shall be considered a discontinued use after 2 years without energy production, unless a plan is developed and submitted to the Jackson County Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed four feet below ground level within 90 days of the discontinuation of use.

Each Commercial WECS shall have a Decommissioning Plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon becoming a discontinued use. This plan shall describe in detail what steps would be taken to restore the site to its original condition in the event that the operation of the wind tower should cease. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources

that will be available to pay for the decommissioning and removal of the WECS and accessory facilities.

- 7) Engineering certification of the tower and foundation design.
- 8) Evidence of signed wind easements for the project area.
- 9) The applicant shall identify all county, city or township roads to be used for the purpose of transporting WECS, substation parts, materials, and /or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted road authority(ies) prior to construction.
- 10) Location and site plans for all temporary, non-residential construction sites and staging areas.
- 11) MWECS may be exempt from the general application data required. The setback requirements will apply to the MWECS.

#### **734.2 Compliance with Codes and Standards**

All wind turbines shall be in compliance with all applicable state and federal regulatory standards including:

- 1) Uniform Building Code as adopted by the State of Minnesota.
- 2) The National Electrical Code as adopted by the State of Minnesota.
- 3) FAA requirements.
- 4) MPCA/ EPA regulation (hazardous waste, construction, storm water, etc.).
- 5) MN Rule 7030 regarding Noise.
- 6) All requirements stated in Minnesota Statutes, Chapter 216.F as well as the Public Utilities Commission Order Establishing General Wind Permit Standards, Docket No. E, G-999/M-07-1102 dated January 11, 2008.

#### **734.3 Certifications**

Equipment shall conform to applicable industry standards including the American Wind Energy Association standard for wind turbine design and related standards adopted by the American

Standards Institute (ANSI). The applicant must provide certification from the equipment manufacturer certifying that the equipment is manufactured in compliance with industry standards. The certification must be included with the application for County zoning permits.

**734.4 Overspeed Controls**

All turbines to be installed shall be equipped with a redundant braking system. This includes both aerodynamic (including variable pitch) overspeed controls, and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode, whereby they are engaged in the case of load loss on the generator. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

**734.5 Setback Requirements**

SETBACKS	MWECS <75 kw	SWECS >75 kw; <5,000 kw	LWECS >5,000 kw; <25,000 kw	MET TOWERS
Participating Project Boundaries	= to height of structure including blades	= to height of structure including blades	= to height of structure including blades	Property line setback = to height of structure with a 250' minimum
Non-participating Project Boundaries	= to height of structure including blades	3 RD on non prevailing wind axis and 5 RD on prevailing wind axis	3 RD on non prevailing wind axis and 5 RD on prevailing wind axis	Property line setback = to height of structure with a 250' minimum
Dwellings	None	750' and sufficient distance to meet State noise standards	750' and sufficient distance to meet State noise standards	500' other than owner or applicant
Road ROW including Public Trails	= to height of structure including blades	= to height of structure including blades	= to height of structure including blades with a 250' minimum	= to height of structure with a 250' minimum
Other Structures	None	1.25 times their height	1.25 times their height	1.25 times their height
Noise Standard	MN Rule 7030	MN Rule 7030	MN Rule 7030	None
Other existing	None	3 RD on non	3 RD on non	None

WECS and internal spacing		prevailing wind axis and 5 RD on prevailing wind axis	prevailing wind axis and 5 RD on prevailing wind axis	
Wetlands (Cowardin classification), Types III, IV and V (If listed on PWI map shoreland setbacks apply)	= to height of structure including blades	= to height of structure including blades	= to height of structure including blades	= to height of structure
Protected Waters	See Shoreland Section 610			

**734.6 Noise Standards**

Noise is regulated by the Minnesota Pollution Control Agency under Chapter 7030. These rules establish the maximum night and daytime noise levels that effectively limit wind turbine noise to 50-dB (A) at farm residences. In addition the County may impose limits relative to impulsive and pure tone noises.

**734.7 Decommissioning**

**734.71** Provisions shall ensure that facilities are properly decommissioned upon end of project life or facility abandonment. Decommissioning shall include: removal of all structures and debris to a depth of 4 feet; restoration of the soil; and restoration of vegetation (consistent and compatible with surrounding vegetation) shall also be required.

**734.72** Provisions shall include a decommissioning plan. This plan will identify:

- 1) When and how a facility is to be decommissioned.
- 2) Estimated cost of decommissioning.
- 3) Financial resources to be used to accomplish decommissioning.

**734.73** The County may require the developer/owner to create and fund an escrow account to fund decommissioning. An agreement between the developer/owner and the County may



be required whereby the County is granted access to the escrow account for the explicit purpose of decommissioning. The County Board shall determine the minimum amount of funds to be held in the escrow account. The minimum amount shall be consistent with the estimated cost of decommissioning. The County Board may change the minimum amount to be held in escrow if the estimated costs of decommissioning changes.

### **734.80 Tower Type**

Micro-WECS of 75 kilowatts or less are exempt from this rule and may use lattice construction towers but must meet all other standards.

All commercial installed wind turbines must utilize self-supporting, tubular towers. Such towers provide several benefits:

- 1) Improved aesthetics, including intra and inter project visual consistency.
- 2) Minimized impact on farming activities.
- 3) Reduced potential for unauthorized climbing.
- 4) Improved maintenance access increasing the total turbine operating availability.
- 5) Reduced need for ancillary structures to house control equipment.
- 6) Any guy wires on related structures shall be marked with safety shields.

### **734.90 Signage**

Signs warning of high voltage must be posted at least at the entrances of all structures where high voltage may exist.

### **734.91 Aesthetics**

The following items are recommended standards to mitigate visual impacts:

- 1) Coatings and Coloring: Non-reflective unobtrusive color. Black blades are acceptable for mitigation of icing.
- 2) Signage: including anything on the tower or nacelle shall be consistent with other county ordinances pertaining to signage.
- 3) Turbine Consistency: To the extent feasible, the project shall consist of turbines of similar

design and size, including tower height. Further, all turbines shall rotate in the same direction. Turbines shall also be consistent in design, color and direction with nearby facilities.

- 4) Lighting: Projects shall utilize minimal lighting. No tower lighting other than normal security lighting shall be permitted except as may be required by the FAA. It may be appropriate for permits to allow for some infrared lights or heat lamps to prevent icing of sensors.
- 5) Intra-project Power and Communication Lines: All power lines used to collect power from individual turbines, and all communication lines shall be buried underground.

### **734.92 Public Services**

### **734.93 Roads**

If the construction is large enough or during spring restrictions, roads can sustain severe damage. Enforcement of road limits may make construction impossible. The local unit of government may choose to require either remediation of road repair upon completion of the project or are authorized to collect fees for oversized load permits.

### **734.94 Fire and Safety**

The following permit standards shall be followed to reduce risk of fire:

- 1) Adherence to electrical codes and standards.
- 2) Removal of fuel sources, like vegetation, from immediate vicinity of electrical gear and connections.
- 3) Utilization of twistable cables on turbines.
- 4) The permittee shall obtain emergency response, 911 rural addresses for each tower or access road serving the project.

### **734.95 Orderly and Efficient Use of the Resource**

The Jackson County Zoning Ordinance calls for the orderly and efficient use of the wind resource. Applications shall be reviewed to ensure that the project area does not adversely impact wind development potential on adjacent lands.