

**WRIGHT COUNTY PLANNING COMMISSION**

**NOTICE OF INTENT TO AMEND THE WRIGHT COUNTY CODE OF ORDINANCES**

**NOTICE IS HEREBY GIVEN**, that the Wright County Planning Commission, during its regular Meeting on **Thursday, December 15, 2016 at 7:30 p.m.**, will hold a public meeting to consider amending Title IX, Land Usage of the Wright County Code of Ordinances. This consideration and discussion will take place in the Commissioners' Board Room at the Wright County Government Center, Buffalo, Minnesota.

The Wright County Planning Commission will be reviewing and discussing amendments to modify **Section 155.003 to require setbacks for essential services not located within Public Road Right of Ways and exempt County and Township structures and facilities from Conditional Use Permitting.**

**THE PROPOSED AMENDMENT further defines how these will be permitted, a full copy is enclosed.**

The proposed amendments can be reviewed in person in the Office of Planning & Zoning at the Wright County Government Center or online at:  
<http://www.co.wright.mn.us/156/Planning-Zoning>

Such persons that desire to be heard with reference to the proposed application will be heard at this time. If you do not attend the hearing or submit written comment, it will be assumed that you have no objections to the proposal. If there are any questions, please contact the Planning and Zoning Office in Buffalo. Interpreter services for the hearing impaired will be provided on request for public meetings and other county-sponsored classes and events.

WRIGHT COUNTY PLANNING & ZONING OFFICE  
WRIGHT COUNTY GOVERNMENT CENTER  
10 SECOND STREET NW RM 140  
BUFFALO MINNESOTA 55313-1185  
PHONE: (763) 682-7338

**ORDINANCE AMENDMENT NUMBER 16-8**

**THE COUNTY BOARD OF WRIGHT COUNTY HEREBY ORDAINS:**

Art. I – Amendments to Chapter 155 - Zoning

Sec. 1

**§ 155.003 RULES AND DEFINITIONS.**

(41) ***ESSENTIAL SERVICES.*** The erection, construction, alteration or maintenance by public utilities or municipal departments of underground or overhead telephone, gas, electrical, communication, water or sewer transmission, distribution, collection, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, switches, civil defense sirens, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment, appurtenances, facilities, and accessories in connection therewith for the furnishing of adequate service by such private or public utilities or municipal departments. Antennas and support structures as defined in § 155.106 of this chapter shall not be considered an ***ESSENTIAL SERVICE.***

Sec. 2

**§ 155.047 AGRICULTURAL/RESIDENTIAL (A/R).**

§155.047(F)(2)(a) is amended as follows:

Required Setback Distance From Road Centerline	Road Class
130	State Highway
130	County Road <u>and</u> State Aid Highway
65	Local <u>Road Street</u> ( <del>Twp. Rd.</del> )
25	From right-of-way of cul-de-sac or approved “T”

Sec. 3

**§ 155.048 GENERAL AGRICULTURE (AG)**

§ 155.048(F)(2)(a) is amended as follows:

Required Setback Distance From Road Centerline	Road Class
130	State Highway
130	County Road <u>and</u> State Aid <u>Highway</u>
65	Local <u>Road Street</u> (Twp. Rd.)
25	From right-of-way of cul-de- sac or approved “T”

Sec. 4

**§ 155.049 URBAN/RURAL TRANSITIONAL (R-1)**

§155.049(F)(2)(a) is amended as follows:

Required Setback Distance From Road Centerline	Road Class
130	State Highway
130	County Road <u>and</u> State Aid <u>Highway</u>
65	Local <u>Road Street</u> (Twp. Rd.)
25	From right-of-way of cul-de- sac or approved “T”

Sec. 5

**§ 155.050 SUBURBAN RESIDENTIAL (R-2)**

§155.050(F)(2)(a) is amended as follows:

Required Setback Distance From Road Centerline	Road Class
130	State Highway
130	County Road <u>and</u> State Aid Highway
65	Local <u>Road Street</u> (Twp. Rd.)
25	From right-of-way of cul-de-sac or approved "T"

Sec. 6

**§ 155.051 SUBURBAN RESIDENTIAL (R-2a)**

§155.051(F)(2)(a) is amended as follows:

Required Setback Distance From Road Centerline	Road Class
130	State Highway
130	County Road <u>and</u> State Aid Highway
65	Local <u>Road Street</u> (Twp. Rd.)
25	From right-of-way of cul-de-sac or approved "T"

Sec. 7

**§ 155.052 MULTIPLE-FAMILY URBAN DISTRICT (R-3)**

§155.052(F)(2)(b)(1) is amended as follows:

Required Setback Distance From Road Centerline	Road Class
130	State Highway
130	County Road <u>and</u> State Aid <u>Highway</u>
65	Local <u>Road Street</u> (Twp. Rd.)
25	From right-of-way of cul-de- sac or approved “T”

Sec. 8

**§ 155.053 HIGHWAY BUSINESS DISTRICT (B-1)**

§155.053(C)(3)(a) is amended as follows:

Required Setback Distance From Road Centerline	Road Class
160	State/Federal Highway
160	County Road <u>and</u> State Aid <u>Highway</u>
95	Local <u>Road Street</u> (Twp. Rd.)

Sec. 9

**§ 155.054 GENERAL BUSINESS DISTRICT (B-2)**

§155.054(C)(2)(a) is amended as follows:

Required Setback Distance From Road Centerline	Road Class
160	State/Federal Highway
160	County Road <u>and</u> State Aid Highway
95	Local <u>Road Street</u> (Twp. Rd.)

Sec. 10

**§ 155.098 ESSENTIAL SERVICES.**

~~(A) Permit required.~~

~~(1) Since essential services, as defined by this chapter, may have an effect upon urbanizing areas of the county, and the county's parks and recreation areas, the location, design and relevant information shall be filed with the Zoning Administrator, for review by the Planning Commission and the County Board of Commissioners for approval and issuance of a utility permit as regulated herein, prior to commencement of any construction by the applicant. Lines which lie within or legally abutting public road rights-of-way or within pre-existing easements for their entire length shall be exempt from this requirement; provided, all necessary permits are obtained from the road authority and all state and federal requirements are met. "As built" plans for such lines which specify the location must be filed with the County Surveyor in a format specified by the Surveyor.~~

~~(2) Essential services as treated herein shall refer to trunk transmission collection or distribution lines and excepting lateral or house lines.~~

(A) Essential services, as defined by this chapter, may have an effect upon urbanizing areas of the county, county land uses, highway location, the preservation of natural environmental areas, lakes, streams, rivers, and park and recreation areas.

(B) Essential services are a conditional use unless otherwise stated in this section.

(C) Filing and Setback Requirements.

(1) All essential services including large facilities and those for local distribution or other similar appurtenances or facilities shall be located entirely within a public road right-of-way or shall meet the road right-of-way setbacks as required for principal structures in all zoning districts.

(2) The proposed location of all essential and transmission services in any land use district shall be filed with the Wright County Highway Department prior to commencement of any condemnation action or construction. The proposed location of all essential and transmission services along a township road right-of-way shall also be filed with the Township Clerk prior to commencement of any condemnation action or construction.

(D) Exemptions.

(1) Essential services located within a public road right-of-way, platted utility easement, or within a pre-existing utility easement recorded prior to January 1, 2017, for their entire length shall be considered a permitted use in all districts and are exempt from the conditional use permit requirements of this chapter provided, all necessary permits are obtained from the road authority and all state and federal requirements are met. "As-built" plans for such essential services which specify the location of the essential service must be filed with the Wright County Highway Department, and the Township Clerk when the essential services are located in a township road right-of-way, in a format specified by the Wright County Highway Engineer within 90 days of final completion.

(2) County and Township structures and support facilities are exempt from requiring conditional use permits.

(3) Essential services, as referred to in this section, does not include the lateral lines, cables, wires, pipes, or sewers which extend from the trunk transmission, collection, or distribution lines, mains, or pipes to service a single residence or other lawfully permitted structure.

(E) ~~(B)~~ Application procedures. The following application procedure shall be observed.

(1) The applicant shall file with the Zoning Administrator such maps indicating the location, alignment and type of service proposed as shall be necessary to determine the potential impacts of the essential service ~~line(s)~~.

(2) The essential service permit then shall be treated as a conditional use permit and the applicant shall be responsible to comply with all terms of this chapter applicable to such permits.

~~(F) (C)~~ *Time limit.* ~~Essential service utility Conditional use permits shall be valid for expire in two years unless otherwise specified and all conditions in an essential service utility permit shall be are commenced within the two years and shall be completed with within one more year unless otherwise specified by the Planning Commission.~~

~~(G) (D)~~ *Pipeline safety.* Where any construction or development is proposed adjacent to a pipeline as defined in M.S. § 299J.05, as it may be amended from time to time, said project shall comply with all provisions for pipeline safety and setback standards as specified in M.S. § 299J.05, as it may be amended from time to time.

Sec. 11

**Effective Date:**

These ordinance amendments shall be effective February 1, 2017.

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Chair, Wright County Board of Commissioners

ATTEST:

Approved: \_\_\_\_\_

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Lee Kelly  
Wright County Coordinator