

ORDINANCE NO. 01-33

AMENDING SECTION 6.07 OF THE ZONING ORDINANCE

WHEREAS, the County of Kendall has adopted ordinances, regulations, and codes which regulate construction; and

WHEREAS, the Zoning Ordinance currently regulates non-residential development through the various development ordinances; and

WHEREAS, the County has not regulated the construction of pipeline construction standards; and

WHEREAS, there has been a need to regulate how pipelines are constructed and land is restored to conserve valuable farmlands in the County; and

WHEREAS, the text of the Site Plan Review Ordinance is attached as Exhibit "A"; and

WHEREAS, the Regional Planning Commission reviewed the proposed amendments on September 26, 2001, and recommended approval of them by a unanimous vote; and

WHEREAS, the Zoning Board of Appeals conducted a public hearing on the proposed changes on October 30, 2001, and subsequently voted unanimously in favor of the proposed amendments; and

WHEREAS, the County Board feels that it is in the best interests of the County to amend Section 6 of the Kendall County Zoning Ordinance to add Pipeline construction standards for the unincorporated areas of the County.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF KENDALL THAT:

The Kendall County Zoning Ordinance, as originally adopted on January 16, 1940, is hereby amended as follows:

- 1. Add Section 6.07 PIPELINES as written in Exhibit "A" to the end of Section 6 of the Kendall County Zoning Ordinance.**

This Ordinance shall be effective immediately upon approval.

APPROVED THIS 20th DAY OF November, 2001.

ATTEST:


Clerk


Chairman

Exhibit "A"

6.07 PIPELINES

The purpose of this Ordinance is to minimize the negative agricultural impacts and to protect sensitive areas by affording minimal negative impact during and after pipeline construction. This Ordinance shall pertain to all pipelines to be located within agricultural properties with sensitive areas including but not limited to wetlands and existing forested or natural areas, which are not constructed in relation to the direct development of property. Such pipelines shall meet the following standards:

A. Pipeline Depth

1. Except for above ground piping facilities, such as mainline block valves, tap valves, meter stations, etc., the pipeline will be buried with:
 - a. A minimum of five (5) feet of top cover where it crosses cropland.
 - b. A minimum of five (5) feet of top cover where it crosses pasture land or other agricultural land comprised of soils that are classified by the USDA as being prime soils.
 - c. A minimum of three (3) feet of top cover where it crosses pasture land and other agricultural land not comprised of prime soils.
 - d. A minimum of three (3) feet of top cover where it crosses wooded/brushy land or other sensitive areas.
 - e. Substantially the same top cover as an existing parallel pipeline, but not less than three (3) feet, where the route parallels an existing pipeline within a 100 foot perpendicular offset.
2. Notwithstanding the foregoing, in those areas where rock is in its natural formation and/or a continuous strata of gravel exceeding 200 feet in length are encountered, the minimum cover will be 30 inches.

B. Replacement of Topsoil

1. The topsoil depth shall be determined by a properly qualified soil scientist or soil technician who will set stakes every 200 feet along the right-of-way identifying the depth of topsoil to be removed.
2. The actual depth of the topsoil, not to exceed 36 inches, will first be stripped from the area to be excavated above the pipeline, and from the adjacent subsoil storage area. The topsoil will be stored in a windrow parallel to the pipeline trench in such a manner that it will not become intermixed with subsoil materials.
3. The topsoil must be replaced so that after settling occurs, the topsoil's

original depth and contour (with an allowance for settling) will be restored. The same shall apply where excavations are made for road, stream, drainage ditch, or other crossings. In no instance will the topsoil materials be used for any other purpose.

4. As the topsoil is replaced, all rocks greater than three (3) inches in dimension shall be removed from the topsoil.

C. Restoration of Ground Cover

1. All soil conservation practices (such as terraces, grassed waterways, etc.) which are damaged by the pipeline's construction will be restored to their pre-construction condition.
2. Sensitive areas shall be restored by seeding or planting vegetation that will establish pre-existing character or to the landowners desire, not to exceed what was formerly present.

D. Restoration and/or Repair of Field Tiles

1. The Company will endeavor to locate all tile lines within the right-of-way prior to the pipeline's installation so repairs can be made if necessary. The Company will contact affected landowners/tenants for their knowledge of the tile line locations prior to the pipeline's installation. All identified tile lines will be staked or flagged prior to construction to alert construction crews to the possible need for tile line repairs.
2. All the tile lines that are damaged, cut or removed shall be staked or flagged with the stakes or flags in such a manner they will remain visible until permanent repairs are completed. Tile lines must be restored to their original route within 14 days of the pipeline being laid.
3. Where tile lines are severed by the pipeline trench, angle iron, I-beams or an equivalent, shall be used to support the repaired tile lines. The support member shall be sufficient to support a ten (10) ton point load on the surface directly above the repaired tile line.

E. Ingress and Egress Routes

Prior to the pipeline's installation, the Company and the landowner/tenant will reach a mutually acceptable agreement on the route that will be utilized for entering and leaving the pipeline right-of-way should access to right-of-way not be practical or feasible from adjacent segments of the pipeline right-of-way or public highway or railroad right-of-way.

F. Property Owner/Tenant Notification and Information Procedure

- 1. The property owners/tenants of the land on which the pipe will be located shall be notified of the project intent and approximate scheduling of the construction.**
- 2. Written permission shall be obtained from each property owner/tenant affected for pipelines not approved by the Federal Energy Regulatory Commission.**

G. Special Provisions Pertaining to Pipeline Locations

- 1. All pipelines greater than ten (10) inches in diameter which carry/conduct flammable or hazardous material shall be located a minimum of 500 feet from any occupied principal structure.**
- 2. All pipelines which cross a regulatory floodplain must obtain a special use pursuant to Section 13.07 of this Ordinance.**