

Implementation: Ongoing Activities Coordinated by the Plan

This section identifies other activities and programs that make up the local water management program, but are not reflected in the priority concern section. Programs and activities in which local governments have significant administrative roles include the *Lincoln County Comprehensive Development Ordinance*¹ and the *Lincoln County Comprehensive Sustainable Development Plan-2000*², both administered by the Lincoln County Environmental Office.

For more information on these plans or for copies, contact the Lincoln County Environmental Office at 507-694-1344.

Addressed as part of the priority concerns are the following: the Verdi Wellhead Protection Plan; Impaired Waters/Total Maximum Daily Load (TMDL); Wetland Conservation Act (WCA); and, the Public Drainage Systems.

Lincoln County Comprehensive Development Ordinance

This Ordinance is enacted to promote the health, safety, and general welfare throughout Lincoln County by reducing congestion in the public rights-of-way, securing safety from fire, panic and other dangers, providing adequate light and air; facilitating the adequate provision of water supplies, sewage treatment, and other utility services; solid waste management; protecting and preserving the air quality, land and water; conserving the value of properties and encouraging the most appropriate use of the land; maintain eligibility for and participation in the National Flood Insurance Program; and pursuant to Minnesota Statutes Chapters 394.21, 103F, 103G, 115, 116, 115A, 375, 400, 473.811, 561.01, and 609.74 and other rules, regulations and mandates.

The Comprehensive Development Ordinance addresses the following issues, which are, described in this section:

- Flood Plain Management;
- Shoreland Management;
- Urban Expansion Management;
- Rural Preservation;
- Business and Industrial
- Feedlots;
- Wind Power Management;
- Solid Waste; and
- Nuisance

Flood Plain Management:

The purpose of this ordinance is to maintain Lincoln County's eligibility in the National Flood Insurance Program and to minimize potential losses to periodic flooding including

¹ Comprehensive Development Ordinance No. 37, Amended February 5, 2002; prepared by the Lincoln County Environmental Office.

² Comprehensive Sustainable Land Use Plan 2000, was prepared by the Lincoln County Environmental Office with assistance from the Southwest Regional Development Commission, Prairie Partners and Citizens of Lincoln County.

loss of life, property, health and safety hazards, disruption of commerce and government services, extraordinary public expenditures for flood protection and relief, and the impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

The Legislature of the State of Minnesota has, in Minnesota Statutes Chapters 103F and Chapter 394 delegated the authority to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the County of Lincoln, Minnesota does ordain as follows:

This Ordinance does not imply that areas outside of the flood plain district or land uses permitted within such districts will be free from flooding and flood damages. This Ordinance shall not create liability on the part of the County of Lincoln or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decisions lawfully made there under.

Shoreland Management:

The uncontrolled use of shorelands in Lincoln County, Minnesota affects the public health, safety and general welfare not only contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use, and development of the shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments to regulate the subdivision, use, and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise utilization of waters and related land resources. Lincoln County, Minnesota recognizes this responsibility.

The Lincoln County Shoreland Management Ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103G, Minnesota Regulations, Parts 6120.2500 through 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.

Urban Expansion Management:

The Urban Expansion Management District is identified as lands classified as either partial, perimeter or potential urban service areas. Each classification is dependent upon the location of a parcel of land in relation to an incorporated municipality and the public services that community provides to it or a neighboring parcel of land such as paved streets, sewer and/ or water facilities. It is within these parcels of land that permitted or conditional urban-related uses are allowed.

The Urban Expansion Management District boundaries are defined as the area from the outer boundary of an incorporated municipality extending outward in each direction $\frac{1}{4}$ of a mile.

Rural Preservation:

For all lands that are not classified in accordance with Section V of this Ordinance, they will lie within the Rural Preservation Management District. These lands are, predominantly noted for their agricultural and/or natural area uses. The Rural Preservation Management District is divided into eight rural preservation areas.

The Rural Preservation Management District covers all unincorporated areas of Lincoln County, with the exception of land within 1¼ miles of incorporated municipality boundaries. Description of Rural Preservation Areas 1 – 8.

- 1) Lands that have prime soil characteristics and no natural areas associated with them.
- 2) Lands that have prime soil characteristics and natural areas associated with them.
- 3) Lands that have good soil characteristics and no natural areas associated with them.
- 4) Lands that have good soil characteristics and natural areas associated with them.
- 5) Lands that have marginal soil characteristics and no natural areas associated with them.
- 6) Lands that have marginal soil characteristics and natural areas associated with them.
- 7) Lands that have non-tillable soil characteristics and no natural areas associated with them.
- 8) Lands that have non-tillable soil characteristics and natural areas associated with them.

Business and Industrial:

The Business and Industrial District is intended to provide a district that will allow retail, commercial, and general industry uses in the unincorporated areas of Lincoln County at standards that will not impair the traffic carrying capabilities of abutting roads and highways. The standards of this District are intended to encourage development that is compatible with surrounding Districts.

The Boundaries of the Business and Industrial District are defined as ¼ mile from the outer boundary of an incorporated municipality, extended outward 1¼ mile

Feedlots:

An efficient and profitable livestock industry is an economic benefit to Lincoln County and to the State of Minnesota. It provides a value-added opportunity to our crop based agriculture and creates service industries that provide employment and further economic activity. An efficient industry also provides high quality food and fiber for consumers at reasonable prices. The wastes produced in livestock production may have potential, when improperly stored, transported or field applied, to contribute to air, surface water, and groundwater pollution. When properly utilized such wastes contribute to soil fertility, texture, structure and enhance efficient crop production. The following Feedlot Section of this Ordinance has been developed to reduce risk of pollution of natural resources from feedlots.

The Lincoln County Feedlot Ordinance is adopted pursuant to the authorizations and policies contained in Minnesota Statutes, Chapters 115 and 116 and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.

Wind Power Management:

The purpose of this Section is to set forth a process for permitting wind energy facilities with a rated capacity of less than 5 megawatts.

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.).

Solid Waste:

This Section identifies the authorization and provision for County Solid Waste Management, establishing powers and duties in connection therewith, establishing standards for and regulating solid waste management operations within the County of Lincoln.

The Lincoln County Board of Commissioners has adopted Solid Waste Management provisions to: Protect the public's health, prevent public nuisances and contamination of soil, surface water, ground water and other environments of Lincoln County from waste through the control of number, location and operation of waste management activities.

- A. Preserve and protect land and water resources.
- B. Assure that all persons are informed and responsible for their actions regarding waste that may affect the environment and the community now and in the future.
- C. Support activities that will promote the reduction, reuse and recycling of materials found in waste.
- D. Augment, supplement and support existing Lincoln County and State of Minnesota controls on waste.

Nuisance:

This Section defines nuisance, prohibits their creation or maintenance, and provides for abatement and penalties for violation.

It is hereby declared to be a public nuisance to permit, maintain, or harbor any of the following:

1. Animals, fish, or fowl, wild or domestic, whether confined or running at large having a contagious disease or condition which endangers public health, safety, or welfare.
2. Carcasses of animals, fish, or fowl, wild or domestic, not buried at least five (5) feet above the seasonal high water table and at least three (3) feet under the surface of the ground or properly destroyed within seventy-two (72) hours after death.

3. Garbage not stored in rodent-free or fly-tight containers, or garbage stored so as to emit foul and disagreeable odors, or garbage stored so as to constitute a hazard to public health.
4. Accumulations of refuse, garbage, litter, abandoned property or hazardous waste as defined herein.
5. The un-permitted dumping of any effluent, garbage, refuse, waste water, or other noxious substance upon public or private property.
6. Any open pit, well, excavation, structure, barrier or other obstruction which endangers public health, safety or welfare.
7. The pollution of any public or private well or cistern, any public stream, lake, groundwater, or other body of water by effluent, garbage, rubbish or other noxious substance.
8. Any obnoxious weeds, or any other vegetation which endangers public health, safety, or welfare, or which is contraband within the meaning of State or Federal laws.
9. The emitting or production of dense smoke, foul odor, noise, noxious gases, soot, cinders, fumes, or sparks in quantities which unreasonably annoys, injures, or endangers the safety, health, or welfare of any number of members of the public.
10. The public exposure of persons having a contagious disease or condition, which, endangers public health, safety, or welfare.
11. Accumulation of junk, furniture, appliances, machinery, automobiles or parts thereof, or any matter which may become a harborage for rats, poisonous snakes, or vermin or which creates a visual blight, or which may be conducive to fire, or which endangers the comfort, repose, health, safety, or welfare of the public.
12. The cause, permitting or maintenance of an abandoned cess-pool, septic tank, or cistern without its being properly filled.
13. Failure to comply with any law or rule regarding sanitation and health including but not limited to: plumbing, water supplies, including wells and surface waters, public facilities, including food, beverage and lodging establishments and day care facilities, waste disposal, swimming pools.
14. Dog Kennels having more than 30 dogs unless provided for with Conditional Use Permit.

Lincoln County Comprehensive Sustainable Development Plan

Covered in the Comprehensive Sustainable Development Plan are the following issues along with maps that coincide with the various issues:

- Demographics;
- Land Use;
- Infrastructure;
- Recreation and Natural Resources;
- Economic/Community Development;
- Housing; and
- Implementation Plan
- Historical and Cultural Facilities;