

ORDINANCE # 197
BENTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN AND THE ZONING
ORDINANCE TO PERMIT MORE NON-FARM RURAL RESIDENTIAL DEVELOPMENT

BE IT ORDAINED by the Benton County Board of Commissioners as follows:

ARTICLE I

Section 1. That Section 7.1.10 of the Benton County Development Code (Ordinance #185) is amended to read as follows:

7.1.10 PERMITTED USES

Farming, general and dairy, providing animal unit density is not greater than three (3) units per acre.
Agricultural land uses.
Forestry and nurseries.
Essential services and necessary appurtenant structures.
Historic sites and areas.
Churches, cemeteries.
Horticultural uses and structures designed for storage of products and machinery pertaining and necessary thereto.
Up to two single family dwellings per quarter-quarter section (according to the U.S. Government Survey) plus accessory buildings, but neither proposed site may create a residential density of more than ten dwellings, including farm dwellings, within one-half (1/2) mile of an existing feedlot (See Ordinance #192 adopted 8/1/89).
Solid Waste Management Facilities.
(Ord. #194 adopted 9/5/89)

Section 2. That Section 7.1.21 of the Benton County Development Code (Ordinance #185) be amended to read as follows:

In addition to the two single family dwellings permitted under Section 7.1.10, there may be up to two additional single family dwellings per quarter-quarter section (according to the U.S. Government Survey) plus accessory buildings, subject to the following conditions:

- a. It can be demonstrated that 75% of the soil is not "prime" or "good" farmland, but that it is "marginal" as defined in the Benton County Land Use Plan, Appendix I, the Soil Survey of Benton County, Minnesota, and Appendix II, Farmland Classification. This requirement may be waived if it is determined by the planning commission after an on-site inspection that one of the following conditions

exist:

1. Soil Conservation Service records indicate that the land has been in permanent passture for at least ten years; or
 2. The proposed site is a wooded area with mature trees; or
 3. An unusual amount of granite or rock outcroppings which make the proposed site virtually impracticable to farm; or
 4. The Soil Conservation Service records identify the proposed site as highly erodable soils with at least a 7% slope.
- b. The proposed site will not create a residential density of more than ten dwellings, including farm dwellings, within one-half (1/2) mile of an existing feedlot (see Ordinance #192 adopted 8/1/89).

Any conditional use granted prior to the date of enactment of this section under the predecessor section, 7.1.21 of Ordinance #113, which would not have been granted under section 7.1.21 of Ordinance #185, will be deemed a conforming use.

Section 3. That Section 7.1.22 of the Benton County Development Code (Ordinance #185) is repealed.

Section 4. That Section 7.1.30(b) and (c) of the Benton County Development Code (Ordinance #185) are amended to read as follows:

- (b) **LOT AREA REGULATIONS**
For single family dwellings: 1.5 acre minimum lot size.
- (c) **LOT WIDTH AND DEPTH REGULATIONS**
every lot or plot of land on which a single family dwelling is constructed shall have a minimum width of not less than two hundred fifty (250) feet abutting a public road and a minimum depth of not less than two hundred fifty (250) feet.

Section 5. That Section 7.2.10 of the Benton County Development Code (Ordinance #185) is amended to read as follows:

7.2.10 PERMITTED USES:

Farming, general and dairy, providing animal unit density is not greater than three (3) units per acre.
Agricultural land uses.
Forestry and Nurseries.

Essential services and necessary appurtenant structures.

Historic sites and areas.

Churches, cemeteries.

Horticultural uses and structures designed for storage of products and machinery pertaining and necessary thereto.

Up to four single family dwellings per quarter-quarter section (according to U.S. Government Survey) plus accessory buildings, but none of the proposed sites may create a residential density of more than ten dwellings, including farm dwellings, within one-half (1/2) mile of an existing feedlot (See Ordinance #192 adopted 8/1/89).

Solid Waste Management Facilities (Ordinance #194 adopted 9/5/89).

Section 6. That Section 7.2.21 and 7.2.23 of the Benton County Development Code (Ordinance #185) are repealed.

Section 7. That Section 7.2.30(b) and (c) of the Benton County Development Code (Ordinance #185) are amended to read as follows:

(b) **LOT AREA REGULATIONS**

For single family dwellings: 1.5 acre minimum lot size.

(c) **LOT WIDTH AND DEPTH REGULATIONS**

Every lot or plot of land on which a single family dwelling is constructed shall have a minimum width of not less than two hundred fifty (250) feet abutting a public road and a minimum depth of not less than two hundred fifty (250) feet.

ARTICLE II

Section 1. That the Benton County Land Use Plan, "Trend Analysis," (a part of Ordinance #105) be amended by adding the following to page 7 of said Ordinance:

D. RURAL RESIDENTIAL DEVELOPMENT

In recent years population growth has increased the demand for affordable, rural residential building sites.

There appears to be less reliance upon farming and agricultural pursuits as a way of life and a source of income in the county.

The younger population has been unable to reside in the A-1 and A-2 zones because of the restrictive zoning. As a result, the population of the county is shifting to the urban areas. As a result, the rural areas, such as the A-1 and A-2 zones are facing the diminution of their voice and votes on the county board. As a result, the urban areas with the voting strength may soon control the outcome of rural issues in Benton County.

The frequent requests for conditional use permit for single family dwellings under Ordinance #185 (the Benton County Development Code) shows an intense interest in rural residential development, and the administration of the restrictive provisions of Section 7.1 and 7.2 of Ordinance #185 is straining the county's administrative resources.

The county board continues to hear of individuals who would prefer to build their homes in Benton County, but because of the restrictive provisions of Ordinance #185 they cannot, and so they move to another, less-restrictive county. As a result, the county loses the additional tax base. Additional home construction in Benton County may increase the tax base and improve the economy for Benton County citizens.

Section 2. That the introduction and sections I through IV of the "Implementation" section of the Benton County Land Use Plan (part of Ordinance #105) be amended by deleting section III and amending the introduction and sections I, II and IV to read as follows:

ISSUES

POLICIES

IMPLEMENTATION

After extensive discussion by the Benton County Planning Commission at numerous meetings, from active township input, and by weighing the pros and cons of alternative land use concepts and implementation devices, final land use policies and related implementation measures were selected and formulated. A significant thrust of the Benton County Land Use framework has been to preserve valuable agricultural lands (rated prime, good and irrigable) while at the same time to allow for appropriate development opportunities by directing urban development towards existing service centers, established rural development corridors, and non-tillable soils. In 1990, as set forth in Section D of the Trends chapter of this comprehensive land use plan, there is now a need to relax the restrictions on agricultural lands. In addition, our experience with underground water pollution and limited water resources and water quality legislation indicates less need to preserve irrigable soils for agricultural uses. The accompanying land use plan map illustrates policy concepts on an overall county framework.

More specific policy statements and implementation measures and their direct relationship to land use issues follow. The major land use issues as discussed over the twelve month planning update program, and the evolution of new ideas and policies in 1989 and

1990, are presented followed by established county policy and implementation measures. This relationship between issue, policy and implementation offers the key link between land use plan and the subsequent tools of zoning and subdivision control. Direct reference to policy relationship and implementation also provides rationale to justify ordinance drafting and enforcement.

I. OVERALL GROWTH POLICY

ISSUE:

Benton County has and will continue to receive development pressures for home construction and employment opportunities. What is the best way to provide adequate and equal opportunity for people of all lifestyles and preferences?

POLICY:

- A. Encourage development in and near service centers by relaxing rural development standards in anticipation of municipal utility expansions.
- B. Allow for rural residential density developments along Highway 10 and Mississippi River corridor.
- C. Allow for rural commercial and industrial development along Highway 10 and 23 corridors.
- D. Relax zoning restrictions in rural areas to allow limited low density rural residential development.
- E. Permit mobile homes in appropriate rural development areas and as accessory to farmstead operation.
- F. Maintain functioning rural service centers.
- G. Allow limited, higher density residential development within one mile of the city limits of St. Cloud, Sauk Rapids and Sartell on tracts abutting lands zoned residential on or before January 7, 1978. (Added per Ordinance # 143, May 4, 1982).

IMPLEMENTATION:

- A. Zone land areas around Foley, Sauk Rapids, Sartell and Gilman to R-2 at 1 acre minimum lot sizes without urban services and 1/3 acre with sewers.
- B. Zone R-1 at 2.5 acre minimum lot areas of the Highway 10 and Mississippi River corridors in Watab and Langola Townships.
- C. Zone industrial and commercial along Highways 10 and 23.
- D. At key rural service centers zone R-2.
- E. Zone existing residentially zoned areas within one mile of the corporate limits of the cities of St. Cloud, Sauk Rapids and Sartell at approximately one-half acre minimum lot sizes with strict controls on location and design of water wells and septic

systems (1) if the likelihood of annexation and hookup to public water and sewer is reasonably foreseeable, or (2) if said land areas were platted prior to 1966 with substandard lots. (Added per Ordinance # 143, May 4, 1982).

- F. Require that where multiple dwellings are permitted, there be minimum of 21,000 square feet per dwelling unit if there is a private septic system, or 12,000 square feet per dwelling unit if there is a public sewer system. (Added per Ordinance #143, May 4, 1982).
- G. In A-1 and A-2 zones allow up to four single family dwellings, including both farm and nonfarm dwellings, per quarter-quarter section (per U.S. Government Survey) on lots of 1.5 acres abutting a public road. In A-1 zones, two may be permitted uses and two may be conditional uses.

II. AGRICULTURAL PRESERVATION POLICY

ISSUE:

Benton County maintains an agricultural base supported by valuable soil resources which have been interpreted to be of prime and good productivity. What is the best way to preserve these valuable resources and enhance farming operations?

POLICY:

- A. Encourage public and private sponsors to avoid placing facilities, road and developments in viable agricultural areas.
- B. Promote the use of specific agricultural property taxes and adoption of assessment practices to encourage agricultural production.
- C. Promote state law which will retain and support agriculture as a significant county economic activity and land use.
- D. Encourage farmers to adopt and maintain sound soil erosion control practices such as contour-plowing, strip-cropping, minimum tillage, shelter-belts. etc.

IMPLEMENTATION:

Zone A-1, a primarily agricultural district, in a majority of rural Benton County where predominant soil types are rated prime, good and irrigable by the nation Soil Conservation Service (SCS) system as detailed in the official Soil Survey of Benton County, Minnesota, March,

1977.

IV. IRRIGABLE SOILS POLICY

ISSUE:

Fifteen percent of Benton County soils are irrigable. Due to increased crop yields, numerous farmers have been installing expensive pivot systems, which cause problems for: potential depletion of unknown underground water supply, and windbreaks removed for irrigation system operation leading to greater wind erosion hazards. How can the county help alleviate these inherent problems?

POLICY:

Require alternative wind erosion measures in situations where tree stands are destroyed for pivot system installation and operation.

IMPLEMENTATION:

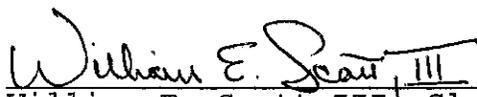
Adopt zoning code provision to require mulching practices on exposed sandy soils once windbreaks are lost.

APPROVED AND ADOPTED BY MAJORITY VOTE OF THE BENTON COUNTY BOARD OF COMMISSIONERS THIS 6th day of July, 1990



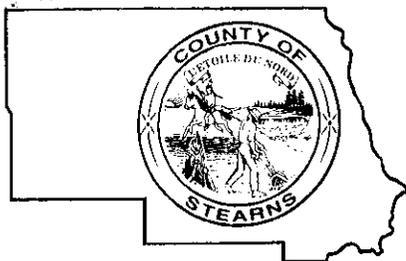
Spencer Buerkle
Chairman

ATTEST:



William E. Scott III, Clerk

(Publish once in Benton County News)



COUNTY OF STEARNS

Office of Court Administration

Courthouse • P.O. Box 1378 • St. Cloud, MN 56302 • 612-259-3620 • FAX 612-259-3626

Susan G. Wegman, Court Administrator

TO: Hank Kohorst, Stearns County Auditor
William Scott, Benton County Auditor

FROM: 

Susan G. Wegman, Court Administrator

DATE: June 15, 1990

RE: Appointment of Eileen Davis

Due to the Judicial appointment of Skipper Pearson, Dan Rethmeier is now the primary contract holder for the 1990 paternity public defender contract. His address is 26 N. 6th Ave., Box 754, St. Cloud, MN 56302. Eileen Davis has been substituted as public defender with Dan Rethmeier on paternity cases.

SGW/ejh

REC'D
JUN 18 1990
Benton County Auditor