

BENTON COUNTY, MINNESOTA

WHEREAS, the Benton County Planning Commission on its own motion instituted proceedings to amend Ordinance Number 185 (Benton County Development Code), and any other ordinance, if any, amending Ordinance Number 185; and

WHEREAS, on October 2, 1990, Notice of Public Hearings and Intent to Amend Benton County Development Code was published in the official newspaper and mailed to the governing bodies of all towns and municipalities located within Benton County; and

WHEREAS, on October 18, 1990, the planning commission held a public hearing thereon and recommended same to the Benton County Board of Commissioners for approval and passage; and

WHEREAS, on November 6, 1990, the Board of County Commissioners held a public hearing thereon and on December 4, 1990 approved the proposed zoning amendments,

NOW, THEREFORE, THE BENTON COUNTY BOARD OF COMMISSIONERS  
ORDAINS:

ARTICLE I

Amend Section 7.1.10 of the Benton County Development Code,  
Permitted Uses, to read as follows:

7.1.10 Permitted Uses:

- a. Farming, general and dairy, providing animal unit density is not greater than three (3) units per acre. Agricultural land uses.  
One farmstead residence per farm as defined in this Ordinance.  
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.

One single family dwelling and accessory buildings on lots of record.

Solid Waste Management Facilities.

Daycare facilities serving fourteen or fewer people.

(Ord. #194 adopted 9/5/89)

(Ord. #197 adopted 7/6/90)

b. An existing dwelling, constructed on a farm (as defined) on or before May 1, 1980, may be divided from such farm and continue as a single family dwelling as a permitted use if it meets the following requirements:

1. The dwelling and accessory buildings are retained on a minimum size lot of not less than 1.5 acres, abutting an existing public road.

2. The lot shall have a minimum width of two-hundred fifty (250) feet abutting a public road, and a minimum depth of two-hundred fifty (250) feet.

3. A legal description of the property being divided from the farm is filed with the Planning & Zoning Administrator prior to recording the deed in the Benton County Recorder's Office.

4. Any future dwelling on the farm or quarter-quarter section will be a conditional use, meeting the criteria under Section 7.1.21 of this Ordinance.

(Ord. #194 adopted 9/5/89)

(Ord. #197 adopted 7/6/90)

(Ord. #204 adopted 11/20/90)

## ARTICLE II

Amend Section 7.1.21 of the Benton County Development Code to read as follows:

7.1.21 Single family dwellings, including energy efficient subterranean dwellings and manufactured homes. In no event shall a density of more than four (4) dwellings, including farm dwellings and non-farm dwellings, be permitted within a quarter-quarter section, according to the U.S. government survey. In no event shall a density of more than three (3) dwellings, including farm dwellings and non-farm dwellings, be permitted within a 30-acre tract. In no event shall a density of more than two (2) dwellings, including farm dwellings and non-farm dwellings, be permitted within a 20-acre tract. In no event shall a density of more than one

(1) dwelling, including farm dwellings and non-farm dwellings, be permitted within a 10-acre tract. These single family dwellings shall have a minimum lot size per dwelling of one and one half (1.5) acres, 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 pasture 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 or the size and shape of the parcel make the proposed site virtually impracticable to farm; or
  4. The Soil Conservation Service records identify the proposed site as highly erodible soils with at least a 7% slope.
- b. The lot or parcel abuts and has direct vehicular access to an existing public road, without reliance on an easement, covenant or right-of-way over or on the private property of another for public road access.
- c. 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.  
(Ord. #192 adopted 8/1/89)

Any conditional use granted prior to the date of enactment of this section under the predecessor section, 7.1.2 of Ordinance #113, which would not have been granted under section 7.1.21 of Ordinance #185, will be deemed a conforming use.

(Ord. #197 adopted 7/6/90)

### ARTICLE III

Add Section 7.1.22 to read as follows:

#### 7.1.22

- a. A dwelling or dwellings, which may be a manufactured home, in addition to the permitted farmstead dwelling, if used to house help employed full-time on the farm, and if the need for additional help and additional housing to support and carry on the principal use has

been established.

- b. A dwelling, which may be a manufactured home, for a farm operator; provided the property owner is retired from the operation of the farm and continues to reside in the farmstead residence.
- c. A dwelling, which may be a manufactured home, for a person or persons who provide supportive care to the property owner when such care is required due to the property owner's health, age or infirmity.
- d. The conditional use permit shall be valid for three years from the date of planning commission approval, at which time the applicant shall resubmit an application to the planning commission for renewal of the conditional use permit.

The additional dwelling or dwellings must be placed on the farmstead or directly adjoining the farmstead. If placed elsewhere on the farm, it must comply with Section 7.1.21(a) of this Ordinance. (Ord. #189 adopted 6/20/89)  
(Ord. #197 adopted 7/6/90)

#### ARTICLE IV

Amend Section 7.1.30(b) of the Benton County Development Code, Lot Area Regulations, to read as follows:

(b) Lot Area Regulations

FOR FARMSTEAD DWELLINGS:

40 acres minimum lot size

FOR NON-FARM DWELLINGS, SINGLE FAMILY DWELLINGS:

1.5 acre minimum buildable lot size  
(Ord. #197 adopted 7/6/90)

#### ARTICLE V

Amend Section 7.2.10 of the Benton County Development Code, Permitted Uses, to read as follows:

7.2.10 Permitted Uses:

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

One farmstead residence per farm as defined in this Ordinance.

One single family dwelling and accessory buildings on lots of record.

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.

Daycare facilities serving fourteen or fewer people.

Solid Waste Management Facilities.

(Ord. #194 adopted 9/5/89)

(Ord. #197 adopted 7/6/90)

Four subdivisions to create lots for single family residences per quarter-quarter section (according to the 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 Ord. #192 adopted 8/1/89), subject to the following requirements:

1. The dwelling and accessory buildings are retained on a minimum size lot of not less than 1.5 acres, abutting an existing public road.
  2. The lot shall have a minimum width of two-hundred fifty (250) feet abutting a public road, and a minimum depth of two-hundred fifty (250) feet.
  3. A legal description of the property being subdivided is filed with the Planning & Zoning Administrator prior to recording the deed in the Benton County Recorder's Office.
- b. An existing dwelling, constructed on a farm (as defined) on or before May 1, 1980, may be divided from such farm and continue as a single family dwelling as a permitted use if it meets the following requirements:
1. The dwelling and accessory buildings are retained on a minimum size lot of not less than 1.5 acres, abutting an existing public road.
  2. The lot shall have a minimum width of two-hundred fifty (250) feet abutting a public road, and a minimum depth of two-hundred fifty (250) feet.
  3. A legal description of the property being divided from the farm is filed with the Planning & Zoning

Administrator prior to recording the deed in the  
Benton County Recorder's Office.  
(Ord. #194 adopted 9/5/89)  
(Ord. #197 adopted 7/6/90)  
(Ord. #204 adopted 11/20/90)

#### ARTICLE VI

Add Section 7.2.23 to read as follows:

##### 7.2.23

- a. A dwelling or dwellings, which may be a manufactured home, in addition to the permitted farmstead dwelling, if used to house help employed full-time on the farm and if the need for additional help and additional housing to support and carry on the principal use has been established.
- b. A dwelling, which may be a manufactured home, for a farm operator; provided the property owner is retired from the operation of the farm and continues to reside in the farmstead residence.  
(Ord. #189 adopted 6/20/89)
- c. A dwelling, which may be a manufactured home, for a person or persons who provide supportive care to the property owner when such care is required due to the property owner's health, age or infirmity.  
(Ord. #189 adopted 6/20/89)
- d. The conditional use permit shall be valid for three years from the date of planning commission approval, at which time the applicant shall resubmit an application to the planning commission for renewal of the conditional use permit.  
(Ord. #197 adopted 7/6/90)

#### ARTICLE VII

Amend Section 7.2.30(b) of the Benton County Development Code, Lot Area Regulations, to read as follows:

##### (b) Lot Area Regulations

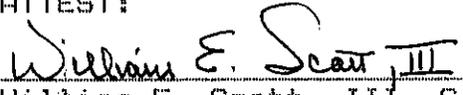
FOR FARMSTEAD DWELLINGS:  
40 acres minimum lot size

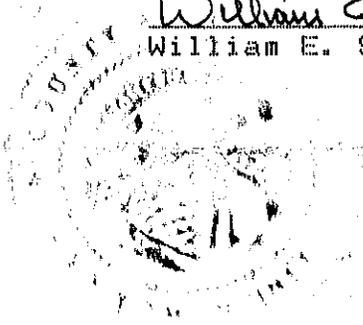
FOR NON-FARM DWELLINGS, SINGLE FAMILY DWELLINGS:  
1.5 acre minimum buildable lot size  
(Ord. #197 adopted 7/6/90)

APPROVED AND ADOPTED by the County Board of Commissioners  
this 4th day of December, 1990.

  
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Spencer Buerkle, Chairman  
Benton County Board of Commissioners

ATTEST:

  
\_\_\_\_\_  
William E. Scott, III, Clerk



200606

OFFICE OF  
BENTON COUNTY RECORDER  
BENTON COUNTY, MN  
CERTIFIED TO BE FILED  
AND/OR RECORDED ON

DEC 11 8 23 AM '90

ALICE G. ENGELMEYER  
COUNTY RECORDER

BY  DEPUTY