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Signed: BW  
MARILYN J NOVAK G V I  
BENTON COUNTY MINNESOTA  
MARILYN J NOVAK  
COUNTY RECORDER

**BENTON COUNTY ORDINANCE NO. 444**  
**Miscellaneous Development Code Corrections**

WHEREAS, the Benton County Planning Commission instituted proceedings to amend the Benton County Ordinance 185; and,

WHEREAS, on August 24 and August 25, 2010, Notice of Public Hearing and intent to amend Benton County Ordinance was published in the official newspapers of the county; and,

WHEREAS, on September 7, 2010, the Benton County Board of Commissioners held a public hearing and approved the proposed ordinance amendment; and,

NOW PURSUANT TO THE AUTHORITY VESTED BY MINNESOTA STATUTES SECTION 394.25, THE BENTON COUNTY BOARD OF COMMISSIONERS ORDAINS:  
**Amend the following Sections as noted below.**

**Section 3 Definitions** insert the word to after the word capable in the last sentence of this definition.

Dry Buildable: Contiguous acreage containing non-hydric soils and void of wetlands, hydric vegetation, floodways, bluffs, right-of-way and restrictive easements. The site shall be capable to supporting two standard individual septic systems.

**Section 7S8 Multiple Unit Development (MUD's) in Shoreland** delete the second sentence in the paragraph, since Section 9.5 was eliminated in 1998.

Section 7S8.1 Types of MUD's Permissible

Multiple unit developments are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. ~~The land use districts in which they are an allowable use are identified in Section 9.5 of the Development Code.~~ All developments in Shoreland areas that meet the definition of MUD must be processed pursuant to this section.

**Section 9.6 Subsurface Sewage Treatment System** Correct 5<sup>th</sup> Sentence of Section 9.6.6 E to read as follows:

DOD  
No fee

If the permit applications is incomplete or does not meet the requirements of this Ordinance the Department shall deny the application or request additional information.

### Section 9.7 Mining Operations

Change conditional to interim in the following subsections as noted:

#### Section 9.7.1 A. Conditional-Interim Use Permits

Owners and operators of any mining operations commencing on or after June 15, 2010 shall obtain an conditional-interim use permit. Said permit shall be valid for a 5 year period, unless it is revoked, expires, or is otherwise terminated earlier. Said permit is not transferable or assignable without the prior written consent of the Planning Commission.

#### C. Small Scale Mining Operations

In lieu of a conditional-interim use permit, persons, firms, partnerships, associations, corporations or other entities may secure a land use permit from the Planning and Zoning Department providing the following conditions are met:

4. No conditional-interim use permit for a mining operation shall be issued within one year of the completion of the rehabilitation of a small scale mining operation on the same site.

2<sup>nd</sup> to last paragraph in Section 9.7.1. Make changes from conditional to interim and add .3 to Section 11.6 as noted below:

The Planning Commission, in determining whether to grant an conditional-interim use permit pursuant to § 9.7.1(A), shall apply the criteria for granting conditional interim use permits set forth in Section 11.6.3, 9.7 of the Benton County Development Code, as amended.

#### 9.7.3 Termination/and Revocation of Permit

1. Permitted mining operations as of June 15, 2010 may continue to operate in accordance with the conditions of approval and performance standards in place at the time of approval.
2. Conditional use permits approved prior to June 15, 2010, shall terminate five years after the conditional use permit was issued. Applications for mining operations that previously had a CUP, but the CUP terminated in accordance with this ordinance shall provide all the information required under Section 9.7.4 of the Development Code when applying for an interim use permit with the exception of the survey of the property boundary per Section 9.7.4(e)(1) and are subject to additional conditions of approval from the Planning Commission.
3. Conditional use mining operation(s) permits, approved on or after December 31, 1995, and Interim use mining operation(s) permits shall terminate automatically 5 years after date of issuance. After termination of any

CUP or an IUP for mining, any new Interim Use Permits CUP s granted for the same operation shall follow all the performance requirements of this ordinance at the time of the issuance of any new interim use permit.

9.7.6 Performance Standards

(n) Reports. The permittee shall comply with the reporting requirements, if applicable, mandated in Minnesota Statutes Section 298.75, Subd. 3. Aggregate Material Removal Tax as the statute shall prescribe at the time of reporting.

Failure to submit the reports to the County shall be considered grounds to revoke the ~~e~~onditional-interim use permit.

(u) Additional Requirements. The governing body may impose additional performance standards as part of the owner(s) ~~e~~onditional-interim use permit.

**Section 11 Administration**

Section 11.6.3 C 5 replace the last sentence in the paragraph with the following sentence: One extension of not more than one year may be granted by the Planning Commission at their discretion.

Approved and adopted by the Benton County Board of Commissioners this 7th day of September in the year of 2010.

Upon enactment, this ordinance shall be effective upon publication as provided by law.

Carl Bukowski  
Earl Bukowski, Chair  
Benton County Board of Commissioners

ATTEST:

Montgomery Headley  
Montgomery Headley  
Benton County Administrator