



DEPARTMENT OF

DEVELOPMENT

INFORMATION HANDBOOK

www.co.benton.mn.us

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Handbook Purpose

This information handbook is a reference guide for development projects planned in Benton County. It includes information about building permits including wetland, shoreland, and septic system consideration; zoning regulations; and waste management services. It also includes information about private and public utilities that can provide financial and/or material support for economic development projects.

Benton County Department of Development Mission Statement:

To administer programs, policies and regulations to insure the appropriate development of Benton County.

Benton County Department of Development Goals:

Apply the Development Code, as directed by the Comprehensive Land Use Plan, to all proposed development in Benton County.

Avoid or mitigate harmful impacts of development on the environment in Benton County.

Provide services that create job opportunities, diversify the economy, and increase the tax base in Benton County.

Appreciate and understand the value of diversity in the Department of Development and in the citizens of Benton County.

Contact Information

Department of Development

531 Dewey St
P.O. Box 129
Foley, MN 56329

Phone: (320) 968-5065
Fax: (320) 968-5351

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2. Mark McNamara, Program Lead, Solid Waste/Wetlands
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3. Ed Beck, Land Use Technician
(320) 968-5068 Email: ed.beck@co.benton.mn.us
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8. Karen Loehrer, Administrative Secretary
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Benton County Officials

Benton County Government Center
531 Dewey Street/PO Box 129
Foley, MN 56329

Phone: (320) 968-5000
Fax: (320) 968-5329

1. County Assessor, Brian Koester (320) 968-5020
2. County Auditor/Treasurer, Karri Thorsten (320) 968-5008
3. County Administrator, Monty Headley (320) 968-5000
4. Engineer, County Highway Dept., Chris Byrd (320) 968-5051
5. County Recorder, Marilyn J. Novak (320) 968-5040
6. County Sheriff, Troy Heck (320) 968-7201

Beginning Your Project/Development

Start Early and Ask Questions

More than one permit, process or procedure may be required for any given project.

Step 1: Discuss all aspects of the project with Department of Development staff. A legal description of the project site will assist the department in review of you project.

Department of Development Hours
Monday-Friday- 8:00 AM to 4:30 PM

Department of Development Location
531 Dewey Street, Foley MN
Government Center

Phone: (320) 968-5065 Fax: (320) 968-5351

Step 2: Staff will determine how the property you wish to develop is zoned and what processes, procedures and standards apply to your project. Information to be reviewed may include some but not limited to the following: zoning, sewerability, wetlands, shoreland, flood plain, lot requirements, feedlots, subdivision procedures, deed restrictions, or easements. (Note: Approval of development on appropriately zoned property will occur more quickly than development of property requiring rezoning, a conditional use permit, an ordinance amendment, or a variance).

Note: Your Tax Classification is NOT your Zoning District category. A separate parcel number does not mean it is a separate lot for development purposes.

Step 3: Staff will provide you with the necessary application packet for your project/development. The packet is designed to assist you in obtaining the necessary resources and information materials required to complete the application.

Step 4: Completed applications will be reviewed and a site inspection completed. (Note: Project sites must be staked as a part of the application process. The presence of the property owner is encouraged but not required.) **Staff will then determine if the application can be approved, denied, or additional information is necessary.**

Benton County's Official Zones

Agricultural

- A Zoning designed to preserve, promote, maintain and enhance the use of land for agricultural purposes and to protect the land from encroachment by non-agricultural uses, structures and activities.
- R-A Zoning designed to provide areas for low density, rural residential development on land is not conducive to agricultural production due to substantial wooded areas, rock outcroppings, and marginal soils.

Residential

- R-1 Single family residential with minimum lot area being 2 acres.
- R-2 Single family residential with minimum lot area being 1 acre for privately sewerred residences and 12,000 sq. ft. for publicly sewerred residences.
- R-3 Single family residential with minimum lot area being 21,000 sq. ft. for privately sewerred residences and 12,000 sq. ft. for publicly sewerred residences.
- R-S Zoning District intended for areas with a concentration of houses and business in an unincorporated area that are located at the intersection of two major roads.

Business

- B Business District zoning designed to permit general business uses. (i.e. Motels, cafes, offices, retail, etc.)
- B-2 Business District zoning designed to allow for compact, convenient, limited, highway-oriented business, closely related to existing urban areas in the county and to provide development standards that will not impair the traffic-carrying capabilities of abutting roads and highways.

Industrial

- I-1 Light Industrial zoning allowing for the production, processing, cleaning, servicing, testing, repair or storage, wholesaling of materials, goods or products provided that said operation is totally contained within a structure that conforms to the zones performance standards.
- I-2 Heavy Industrial zoning allows for industrial operations that are not completely contained within a structure, but still conform to the zones performance standards.

Department of Development Common Terms

- Building Permit:** The State building code is now being enforced County-wide. A building permit allows a structure to be constructed subject to meeting the minimum building requirements of the State of Minnesota. Land use permits are also required.
- Conditional Use Permit:** Allows a particular use in a zoning district which is beyond that districts permitted use(s). Requires public notice and a hearing on the proposed use where the Planning Commission may approve/deny or impose conditions.
- Conforming Use:** A use that conforms to all current regulations of the Development Code.
- Interim Use Permit:** Allows a particular use in a zoning district which is beyond that districts permitted use(s) for a particular event, or until zoning regulations no longer permit it. Requires public notice and a hearing on the proposed use where the Planning Commission may approve/deny or impose conditions.
- Land Use Permit:** A permit that allows a type of structure and location on the parcel. Building permit may also be required which verifies the structure is built in accordance with the State requirements.
- Non-conforming Use:** A use that was lawful at the time the use was allowed, but is no longer consistent with applicable ordinances.
- Rezoning:** A change in the zoning classification of property.
- Administrative Land Split:** Procedure required by owners to split existing parcels of land administratively. Includes the creation of lots 20 acres or larger, mortgage splits and boundary line adjustments.
- Plat:** Procedure required by owners to split existing parcels of land through a public hearing process. Lots created less than 20 acres in size must be done by platting.
- Variance:** Allows departure from particular requirements of the Benton County Development Code. State law empowers the Board of Adjustment sole authority to grant variances.

Conditional Use Permit

Step 1: If the Development Code specifies that a Conditional Use Permit (CUP) is required to develop a property, a CUP application form may be completed by an applicant and signed by the land owner before submission to the Department of Development Office.

An application fee (refer to fee schedule) must be submitted after the application is reviewed by staff and determined to be complete. (Note: a site inspection will be made as part of the application process. Placing stakes or flags to outline the project prior to the visit is required.) Upon completion, the Department will publish a public hearing notice in the official newspaper (Benton County News and Sauk Rapids Herald) and send public hearing notices to affected property owners, as required by law.

Step 2: The request will be placed on the Benton County Planning Commission meeting agenda; dates and deadlines vary. Please contact the Department for specific times and dates.

Step 3: The Planning Commission will hold a public hearing. Staff will provide an overview of the application and provide research on the application. The applicant will be asked to provide additional information related to their CUP. Any member of the public wishing to speak regarding the request will be provided the opportunity. The Commission will then review and consider anticipated traffic conditions, parking requirements, availability and effect on utility capacities, impact on public facilities, conformance with the comprehensive plan, appearance of the structure and screening of the site, compliance with all zoning requirements, impact on neighboring properties, impact on wetlands, and statements by the public. After discussion, the Commission will vote to approve, deny, or table the request. They may also attach conditions to an approval to ensure that a proposed use will be compatible with neighboring land uses.

Step 4: The Planning Commission makes the final decision regarding CUP requests. An appeal of their decision must be made through the Courts. Fees for denied applications are non-refundable, and an applicant cannot re-apply for a CUP on the same parcel for six months.

Step 5: The County Recorder then records the Planning Commission's decision.

Step 6: If the CUP is approved by the Planning Commission, the applicant must then apply for a Land Use Permit and possibly a building permit by contacting the Department of Development and submitting a completed application.

Interim Use Permit

Step 1: If the Development Code specifies that an Interim Use Permit (IUP) is required to develop a property, an IUP application form may be completed by an applicant and signed by the land owner before submission to the Department of Development Office.

An application fee (refer to fee schedule) must be submitted after the application is reviewed by staff and determined to be complete. (Note: a site inspection will be made as part of the application process. Placing stakes or flags to outline the project prior to the visit is required.) Upon completion, the Department will publish a public hearing notice in the official newspaper (Benton County News and Sauk Rapids Herald) and send public hearing notices to affected property owners, as required by law.

Step 2: The request will be placed on the Benton County Planning Commission meeting agenda; dates and deadlines vary. Please contact the Department for specific times and dates.

Step 3: The Planning Commission will hold a public hearing. Staff will provide an overview of the application and provide research on the application. The applicant will be asked to provide additional information related to their IUP. Any member of the public wishing to speak regarding the request will be provided the opportunity. The Commission will then review and consider anticipated traffic conditions, parking requirements, availability and effect on utility capacities, impact on public facilities, conformance with the comprehensive plan, appearance of the structure and screening of the site, compliance with all zoning requirements, impact on neighboring properties, impact on wetlands, and statements by the public. After discussion, the Commission will vote to approve, deny, or table the request. They may also attach conditions to an approval to ensure that a proposed use will be compatible with neighboring land uses.

Step 4: The Planning Commission makes the final decision regarding IUP requests. An appeal of their decision must be made through the Courts. Fees for denied applications are non-refundable, and an applicant cannot re-apply for an IUP on the same parcel for six months.

Step 5: The County Recorder then records the Planning Commission's decision.

Step 6: If the IUP is approved by the Planning Commission, the applicant must then apply for a Land Use Permit and possibly a building permit by contacting the Department of Development and submitting a completed application.

Variance

Step 1: If determined by the Department of Development that a variance will be necessary, an application for a variance must be submitted by the land owner. (NOTE: the developer(s) will provide a site plan to be submitted with the application.)

An application fee (see fee schedule) must be submitted after the application is reviewed by staff and determined to be complete. (Note: a site inspection will be made as part of the application process.) Upon completion, the Department will publish a public hearing notice in the official newspaper (Benton County News and Sauk Rapids Herald) and send public hearing notices to affected property owners, as required by law.

Step 2: The Board of Adjustment will then conduct a site inspection of the property prior to the meeting (the property owner is encouraged but not required to be in attendance). Placing stakes or flags to outline the project is required prior to the visit. The presence of the property owner is encouraged but not required for the site inspection.

Step3: The Board of Adjustment will hold a public hearing at which the variance request will be reviewed. All persons attending the hearing may speak regarding the variance. At this hearing the variance will be approved or denied by the Board. Their decision will be recorded in the County Recorder's Office. An appeal of their decision must be made through the Courts. Denied applications are non-refundable and an applicant cannot re-apply for a variance on the same parcel for six months.

Step 4: If the variance is approved, the applicant must then apply for any required additional permits, including Conditional Use, Land Use, and/or building permits, by contacting the Department and submitting a completed application(s).

Rezoning

- Step 1:** If a request to amend the county development code is made, an application fee must accompany the completed application for required plats form (refer to fee table).
- Step 2:** The Planning Commission will hold a public hearing which will be published in the official newspaper (The Benton County News and Sauk Rapids Herald) as required by law. Written notice will also be sent to the governing bodies of all townships and municipalities located within the county.
- Step 3:** Department of Development staff will present the staff report on the proposed zoning ordinance amendment at the Planning Commission meeting. The Planning Commission will make a recommendation to the County Board to approve or deny the amendment. The Planning Commission's recommendation is then acted upon by the County Board.
- Step 4:** If approved the ordinance amendment will become effective with its publication.

Wetlands

Minnesota Law prohibits the draining, filling or excavation of any wetlands, unless specifically approved by the appropriate authorities.

“Wetlands” means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:

- (1) Hydric soils;
- (2) Sufficient hydrology; and,
- (3) Hydrophytic vegetation.

There are ***eight*** types of wetlands, some of which are seasonally wet, but still fall under regulation. Work completed by wetland professionals is subject to Benton County review. If you drain, fill or excavate in a wetland it is a violation of federal and state law, with minor exceptions. You are subject to criminal penalties of up to **90 days in jail and/or a \$700 fine**. In addition, you could be ordered to restore any altered wetlands to their original condition at your own cost.

If you apply for a County permit, it must be determined whether any wetlands will be affected by the proposed project. Please contact Benton County Department of Development before considering commencing any such work. Courthouse, Dewey Street, Foley, MN; phone number (320) 968-5065.

For more information on waste management, please contact:

Benton County Department of Development
Government Center
Mark McNamara
531 Dewey Street, P. O. Box 129
Foley, MN 56329-0129
Phone (320) 968-5074
Fax (320) 968-5351

Subsurface Sewage Treatment System (SSTS)

The Department of Development administers sewage and graywater treatment systems in the County, based on state “chapters 7080-7083” rules. The purpose of the regulations is to provide minimum standards for the design, installation, construction, replacement, maintenance and proper abandonment of sewage and graywater treatment systems, including the proper disposal of septage from SSTS systems under the Department’s authority. In addition to the design requirements contained in Minnesota Rules, additional information and/or requirements are mandatory in Benton County.

The principle objectives of the regulations include:

- Protection of Benton County lakes, wetlands, rivers and streams and supplies of groundwater essential to the promotion of public health, safety and welfare; the protection of the County’s environment and its socio-economic growth and development of the County for the future.
- Regulation of the SSTS for the safety of the supply of surface water and groundwater due to the susceptibility to contamination; proper construction, reconstruction, repair, and maintenance and proper septage disposal to prevent contamination of the surface and groundwater supplies.
- Establishing minimum standards for SSTS replacement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, to identify and control its consequences and abate its source and migration.
- The provision of establishing minimum standards for septage removal, transport, treatment and disposal.
- The utilization of privy vaults and other non-water carried SSTS.
- The prevention and control of water-borne disease, lake degradation, groundwater related hazards, and public nuisance conditions through plan reviews, inspections, SSTS surveys and complaint investigation, as well as through technical assistance and education.

A permit shall be obtained from the Department PRIOR to installation, replacement, alteration, repair or extension of any SSTS in Benton County. For new construction and replacement, a sewage treatment system permit shall be obtained simultaneously with the issuance of a Land Use permit. Such permits are non transferable as to person or place. Such permit shall expire 12 months after date of issuance.

The State of Minnesota requires a license for individuals who evaluate, design, install, repair, alter, attend, maintain, pump, or inspect SSTS’s. You must have a licensed designer and installer to help you with your ISTS.

The Department reviews all applications for SSTS's; issues all permits required by the ordinance; inspects work in progress and performs the necessary tests to determine its conformance with the ordinance; investigates complaints regarding SSTS's and septage disposal; issues Stop Work Orders and Notices of Violation, pursuant to the ordinance; maintains proper records, including calculations and summaries for all system component sizing and as-builts, and submits reports to the MPCA to demonstrate enforcement of the local ordinance.

Certain situations exist that require a mandatory Certificate of Compliance. A certificate of compliance shall be provided to the Department PRIOR to the issuance of a Land Use, Variance or Conditional Use permit in the Shoreland District, and as part of an application request for a variance to the Benton County Development Code in the Shoreland District. Compliance inspections are also required of existing SSTS for a variance to the Development Code, a Conditional Use permit, or a home occupation resulting in increased wastewater flow.

In addition, the seller of a property must disclose the compliance of an existing SSTS on their property at or before the time of sale to the buyer. A completed compliance inspection form is one of the following: a Certificate of Compliance issued by the Department that is 5 years old or less; OR a completed MPCA Compliance Inspection form issued by a licensed designer that is 3 years old or less.

For fees required for an SSTS, please see the Permit Fee Schedule.

The State of Minnesota has additional duties and responsibilities that accompany Benton County's duties and responsibilities. The Minnesota Pollution Control Agency may require a State Disposal System permit, along with other permits regulated by the State of Minnesota.

For more information on SSTS's, please contact:

Benton County Department of Development
Government Center
Ed Beck
531 Dewey Street, P. O. Box 129
Foley, MN 56329-0129
Phone (320) 968-5068
Fax (320) 968-5351

Benton County Solid Waste Management

Benton County, as part of the Tri-County Solid Waste Management Commission, has an integrated solid waste system. A large share of the County's waste is directed to a waste to energy facility, with the remaining waste being disposed of at landfills. The other components of this system include: curbside recycling collection; recycling redemption and drop-off facilities; yard waste composting facilities; waste food recycling; Household Hazardous Waste (HHW) mobile and permanent facilities; and problem materials management (e.g., waste tires, batteries, hazardous waste, and appliances). The County also provides education opportunities for its residents regarding proper waste disposal, recycling, composting, and ways we can reduce our waste.

Benton County requires licenses for waste management activities. Contact the Department of Development to discuss any related plans you may be considering to see whether State and/or County permits or licenses are required before proceeding with them. Examples of solid waste activities that would require both State and County permitting/licensing include: municipal solid waste recovery/processing, composting, and disposal operations/facilities; hazardous waste programs/management and transporting; various problem material handling (e.g. waste tires, freon and mercury-held products); and other operations which could have an impact on our environment.

A number of agencies regulate or provide information on waste issues. The Minnesota Pollution Control Agency (MPCA), or organizations like the Office of Environmental Assistance (OEA), MNTAP, or Minnesota Waste Wise can provide you with data and assistance on your project.

For more information on waste management, please contact:

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