

ORDINANCE NUMBER 163

BENTON COUNTY, MINNESOTA

WHEREAS, the Benton County Board of Commissioners on its own motion instituted proceedings to amend the Benton County Development Code to allow "Solid Waste Management Facilities" in the A-1 and A-2 Agricultural Districts and in the I-1 and I-2 Industrial Districts as permitted uses, subject to the requirements of the Benton County Solid Waste Management Ordinance; and

WHEREAS, the Comprehensive Plan also needs an amendment to provide for Solid Waste Management Facilities; and

WHEREAS, on July 4, 1984, Notice of Public Hearings were published in the official newspaper and mailed to the governing bodies of all towns and municipalities located within Benton County; and

WHEREAS, on July 19, 1984, the Planning Commission held a public hearing thereon and recommended adoption thereof by the Board of County Commissioners; and

WHEREAS, on August 7, 1984, the Board of County Commissioners held a public hearing on the proposed amendments to the Comprehensive Plan and Development Code.

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

ARTICLE I

Section 1. The Comprehensive Plan, Ordinance Number 105, "Issues, Policies, Implementation", page 29, add:

XII. SOLID WASTE POLICY

ISSUE:

Increased growth in population and industrial activity creates a large amount of waste materials which need to be disposed of properly. How can Benton County facilitate the disposal of solid waste?

POLICY:

- A. Promote the reduction of wastes through incineration, composting, recycling or other methods so that a minimal amount of waste will ultimately have to be disposed of in a landfill disposal facility.
- B. Encourage alternatives to landfill disposal facilities.
- C. Allow solid waste management facilities throughout the county where most feasible.
- D. Control the location of Solid Waste Management Facilities to minimize pollution and nuisance problems while also controlling location to avoid problems with neighboring land uses.

IMPLEMENTATION:

- A. Develop a County Solid Waste Management Plan which will address alternatives to landfill facilities.
- B. Amend the County Development Code to permit Solid Waste Management Facilities in all areas except Residential and Business Districts.
- C. Prohibit Solid Waste Management Facilities within a reasonable distance of a household residence.

ARTICLE II

Add to the Development Code, Ordinance Number 113, as previously amended, the following section to read as follows:

- 3.137(1) Solid Waste Management Facility: any tract or parcel of land, including any constructed facility used for the treatment of, or preliminary, intermediate or final disposal of solid waste, including, but not limited to; transfer station, incineration, composting, waste reduction and landfill disposal.

ARTICLE III

Amend Sections 7.1.1, 7.2.1, 7.6 and 7.7 of the Benton County Development Code, Ordinance Number 113, to read as follows:

- 7.1.1 Permitted Uses: (Agricultural District "A-1")

Farming, general and dairy, providing animal unit density is not greater than three (3) units per acre.
Agricultural land uses.
Farmstead residences, which may be mobile homes.
Forestry and Nurseries.
Essential Services - telephone, telegraph, and power transmission lines and necessary appurtenant structures.
Public recreation.
Historic sites and areas.
Churches, Cemeteries.
Horticulture uses and structures designed for the storage of products and machinery pertaining and necessary thereto.
Conventional residences and mobile homes on lots of record.
Solid Waste Management Facilities.

Permitted Accessory Uses:

Private garages, parking spaces, carports.
Home occupations.
Decorative landscaping features.
Signs as regulated by this ordinance.
Private swimming pools and tennis courts.
Temporary buildings located for purposes of construction on the premises for a period of time not to exceed normal, necessary construction time.
Roadside stands for sale of home occupations or horticulture products, provided off-street parking is available.

7.2.1 Permitted Uses: (Agricultural District "A-2")

Farming, general and dairy, providing animal unit density is not greater than three (3) units per acre.
Agricultural land uses.
Farmstead residences, which may be mobile homes.
Forestry and Nurseries.
Essential Services - telephone, telegraph, and power transmission lines and necessary appurtenant structures.
Public recreation.
Historic sites and areas.
Churches, Cemeteries.
Horticulture uses and structures designed for the storage of products and machinery pertaining and necessary thereto.
Conventional residences and mobile homes on lots of record.
Solid Waste Management Facilities.

Single family dwellings, including mobile homes and energy efficient subterranean dwellings. 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, with a minimum lot size per dwelling of one and one half (1.5) acres with the following conditions:

- a. The parcel abuts an existing public road.
- b. The proposed homesite will not encroach upon an existing or potential irrigation system.
- c. The proposed site will not create a residential density of more than six dwellings, including farm dwellings, within one half ($\frac{1}{2}$) mile of an existing feed lot.

7.6 Light Industrial District I-1

7.6.1 Permitted Uses

Any production, processing, cleaning, servicing, testing, repair or storage or wholesaling of materials, goods or products providing said operation is totally contained within the structure, including storage; and which conform with the performance standards established by the community for the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious materials, odors, fire or explosive hazards, or glare or heat; except those uses involving the storage, utilization or manufacture of materials or products which decompose by detonation; public utility buildings; essential services; signs; Solid Waste Management Facilities.

7.6.2 Conditional Uses

All on-site sewage disposal uses; vehicle testing grounds; parks or playgrounds; race tracks, sewage treatment plants; accessory uses incidental to, and on the same zoning lot as the principal use; planned unit developments; motor fuel stations*, cafes and restaurants; auto and/or truck wash; grain and/or feed storage; mining operations; kennels; a single family residence, which may be a mobile home, for use by the owner, caretaker or employee of the industry; communication towers.

7.6.3 Yard Regulations

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| Lot Area: | 2½ acres minimum |
| Lot Width: | 200 feet minimum |
| Lot Depth: | 330 feet minimum |
| Front yard or side yard: | |
| Abutting a Federal or State Road: | 116 feet minimum |
| Abutting a County or Township Road: | 65 feet minimum |
| Abutting a service road or street within a subdivision: | 50 feet minimum |
| Side yard, interior lot: | 20 feet minimum or 80 feet if abutting a residential district |
| Rear yard: | 40 feet minimum or 80 feet if abutting a residential district |

7.6.4 Building Limitations

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| Height: | none |
| Bulk: | 50% of net site area maximum |
| *See Section 9.8 | 4 |

7.7 Heavy Industrial District I-2

7.7.1 Permitted Uses

Any production, processing, cleaning, servicing, testing, repair or storage or wholesaling of materials, goods or products provided said operation conforms with the performance standards established by the community for the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic or noxious materials, odors, fire or explosive hazards, or glare or heat; public utility buildings; essential services; signs; Solid Waste Management Facilities.

7.7.2 Conditional Uses

All on-site sewage disposal uses; those uses involving the storage, utilization or manufacture of materials or products which decompose by detonation; auto reduction yards; junk yards; bulk liquid storage; and all conditional uses listed in Light Industrial District of this ordinance.

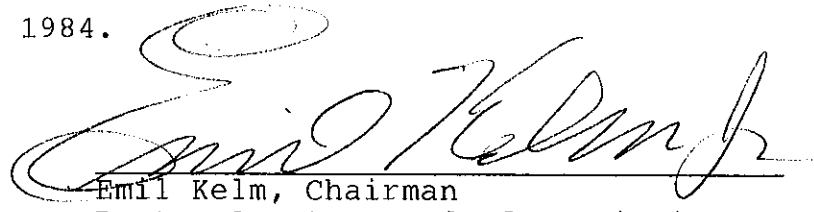
7.7.3 Yard Regulations

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| Lot Area: | 5 acres minimum |
| Lot Width: | 300 feet minimum |
| Lot Depth: | 330 feet minimum |
| Front yard or side yard: | |
| Abutting a Federal or State Road: | 116 feet minimum |
| Abutting a County or Township Road: | 65 feet minimum |
| Abutting a service road or street within a subdivision: | 50 feet minimum |
| Side yard: | 80 feet minimum |
| Rear yard: | 80 feet minimum or 120 feet if abutting residential property |

7.7.4 Building Limitations

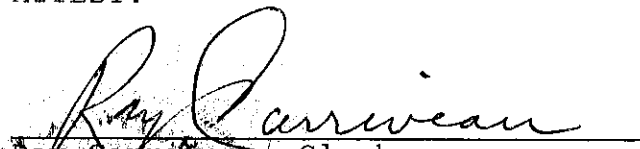
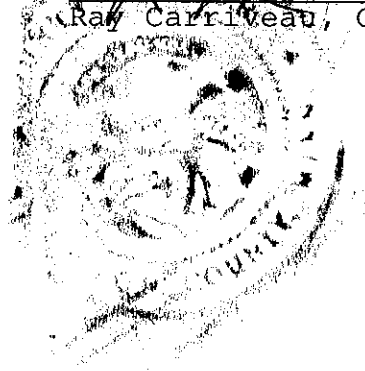
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|---------|---------------------------------|
| Height: | none |
| Bulk: | 50% of net site area maximum |

APPROVED AND ADOPTED by the Benton County Board of Commissioners
this 16th day of October, 1984.



Emil Kelm, Chairman
Benton County Board of Commissioners

ATTEST:


Ray Carribeau, Clerk

171184

Office of County Recorder
Benton County, Minnesota

I Heredy certify that the within
instrument was filed in this office
for record on the 17th day of Oct.

A.D. 1934 at 9 o'clock A M

and was duly recorded in Book 1

of Vol. on page 489.

Oliver C. Sandberg
County Recorder

By _____
Deputy