

CHAPTER 4 GENERAL PROVISIONS APPLYING TO LAND USE DISTRICTS

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Section 1 Purposes of Zoning Districts

The land use districts shall be shown on the Official Zoning Map for Becker County. These land use districts are in conformance with the criteria specified in Minnesota Rules, Part 6120.3200, and are based on consideration of:

- A. The management of areas unsuitable for development due to wet soils, steep slopes, flooding, inadequate drainage, severe erosion potential, presence of significant historic sites, or any other feature likely to be harmful to the health, safety, or welfare of the residents of the community.
- B. The reservation of areas suitable for residential development from encroachment by commercial and industrial uses.
- C. The centralization of service facilities for residential areas and enhancement of economic growth for those areas suitable for limited commercial development.
- D. The management of areas for commercial or industrial uses that, by their nature, require location in shoreland areas.
- E. The protection of valuable agricultural lands from conversion to other uses.
- F. The preservation and enhancement of the quality of water based recreational use of public waters including provisions for public accesses.

Section 2 Land Use District Descriptions

- A. **Special Protection District.** The Special Protection (SP) District is intended to be used for two basic purposes. The first purpose is to limit and properly manage development in areas that are unsuitable for development or uses due to flooding, erosion, limiting soil conditions, steep slopes, or other major physical constraints. A second purpose is to manage and preserve areas with special historical, natural, or biological characteristics.
- B. **Residential District.** The Residential (RES) District is primarily intended to allow low to medium density seasonal and year-round residential uses on lands suitable for such uses. It is also intended to prevent establishment of various commercial, industrial, and other uses in these areas that cause conflicts or problems for residential uses. Some nonresidential uses with minimal impacts on residential uses are allowed if properly managed under conditional use procedures.

- C. **High Density Residential District.** The High Density Residential (HDR) District is intended for use on lands with heterogeneous mixes of soils, vegetation, and topography that are not well suited to residential development using standard, lot-block subdivisions. This approach enables these areas to be developed, often with higher lot-block densities, while also avoiding and preserving unsuitable terrain and soils.
- D. **Water Oriented Commercial District.** The Water Oriented Commercial (WOC) District is intended to be used only to provide for existing or future commercial uses adjacent to water resources that are functionally dependent on such close proximity.
- E. **Commercial District.** The Commercial (C) District is intended to be used only for lands already developed or suitable for development with concentrated urban, particularly commercial, land uses. It should not be used on natural environment lakes or remote river classes. Other intensive urban uses such as commercial planned unit developments are allowed in this district if handled by conditional use permits.
- F. **General Agriculture District.** The General Agriculture (GA) District is intended to provide a district that will allow suitable areas of Becker County to be retained in agricultural use and prevent scattered non-farm development; secure economy in governmental expenditures for public services, utilities and schools, and permit the use and enjoyment of lakes, rivers and streams by non-farm land uses based on a reasonable attempt to recognize the general purpose of this district.
- G. **Industry District.** The Industry (I) District is intended to provide areas for various industrial uses near highways and existing urban areas. It is recognized that industrial uses are an important part of the County's land use pattern. The regulations for this district are intended to encourage industrial development that is compatible with surrounding or abutting districts.

Section 3 Official Zoning Map

The location and boundaries of the districts established by this Ordinance are set forth on the zoning maps. These maps shall be known as the "Official Zoning Map". These maps, consisting of sheets and all notations, references and data shown on them are incorporated by reference into this Ordinance and shall be as much a part of it as if all were fully described in this Ordinance. It shall be the responsibility of the Zoning Administrator to maintain these maps, and amendments shall be recorded on the Official Zoning Maps within thirty (30) days after official publication of amendments. The Official Zoning Maps shall be kept on file in the Zoning Administrator's office. The original and copies of the Official Zoning Map may be kept and distributed in electronic format.

Section 4 District Boundaries

- A. **Boundaries defined.** The boundaries between districts are, unless otherwise indicated, the center lines of highways, roads, streets, alleys or railroad rights-of-way or such lines extended or lines parallel or perpendicular thereto, or section, half-section, quarter-section, quarter-quarter-section or other fractional section lines of the United States public land surveys, as established by law. Where figures are shown on the Official Zoning Map between a road and a district boundary line, they indicate that the district boundary line runs parallel to the road centerline a distance from to the number of feet indicated, unless otherwise indicated.

B. **Process for interpreting boundaries.** If interpretation is needed as to the exact location of the boundaries of a district as shown on the Official Zoning Map, the Board of Adjustment shall make the necessary interpretation. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and submit his own technical evidence if he so desires.

Section 5 Reclassification of Districts

The Zoning Districts previously established shall remain in effect until modified by amendment of the Official Zoning Map through a rezoning process, but they shall be reclassified as follows:

Table 4-1 Reclassification of zoning districts

Zoning District	Reclassified Zoning District
Agriculture and Conservation (A-1)	General Agriculture (GA)
General Agriculture (A-2)	General Agriculture (GA)
General Residential (R-1)	Residential District (RES)
Suburban Residential (R-2)	Residential District (RES)
Lakeshore Residential (R-3)	Residential District (RES)
Commercial Recreation (C-1) – which is riparian	Water Oriented Commercial District (WOC)
Highway Commercial (C-2) – which is riparian	Water Oriented Commercial District (WOC)
General Commercial (C-1) – which is riparian	Water Oriented Commercial District (WOC)
Commercial Recreation (C-1) – which is not riparian	Commercial District (C)
Highway Commercial (C-2) – which is not riparian	Commercial District (C)
General Commercial (C-1) – which is not riparian	Commercial District (C)
Limited Industrial (I-1)	Industry (I)
General Industrial (I-2)	Industry (I)

Section 6 Future Detachment

Any land detached from an incorporated municipality and placed under the jurisdiction of this Ordinance in the future shall be placed in the General Agriculture (GA) District until placed in another district by action of the Board of County Commissioners after recommendation of the County Planning Commission.

Section 7 Descriptions of Lake, River, and Stream Classes

A. **DNR Shoreland Classification System.** The public waters of the County have been classified by the Department of Natural Resources as shown in the tables in Appendix A to this Ordinance consistent with the criteria found in Minnesota Rules part 6120.3000, and the Public Waters Inventory Map for the County. The criteria used by the Department of Natural Resources for classification include the following:

1. Preservation of natural areas;
2. Present ownership and development of shoreland areas;
3. Shoreland soil types and their engineering capabilities;
4. Topographic characteristics;
5. Vegetative cover;
6. In-water physical characteristics, values, and constraints;

7. Recreational use of the surface water;
8. Road and service center accessibility;
9. Socioeconomic development needs and plans as they involve water and related land resources;
10. The land requirements of industry which, by its nature, requires location in shoreland areas; and
11. The necessity to preserve and restore certain areas having significant historical or ecological value.

B. Relationship of public water classes to land use districts. Public waters are classified as described in this Section. Each classified public water has a mapped shoreland zone as described in Section 7 of this Chapter. Each mapped shoreland zone is regulated by a land use district that establishes permitted and conditional uses, density, lot size, dimensional standards and other provisions. The land use district designation for each mapped shoreland zone surrounding a classified public water is listed in Appendix A. Generally, mapped shoreland zones that surround Natural Environment Lakes are regulated as SP-Special Protection Districts; and mapped shoreland zones that surround Recreational Development Lakes are regulated as RD Residential Development Districts. In addition to the zoning district provisions, other performance standards and provisions of this Ordinance shall apply to shoreland districts.

C. Public water classes in Becker County. The classes of public waters are: natural environment lakes; recreational development lakes; general development lakes; remote river segments; forested river segments; transition river segments; agricultural river segments; and tributary river segments. All the river classes except tributary consist of watercourses that have been identified as being recreationally significant on a statewide basis. The tributary class consists of all other watercourses identified in the Protected Waters Inventory. General descriptions of each class follow:

1. **Natural environment lakes.** Natural environment lakes are small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use.
2. **Recreational development lakes.** Recreational development lakes are medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them. They often are characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year-round residences and recreationally oriented commercial uses. Many of these lakes have capacities for accommodating additional development and use.
3. **General development lakes.** General development lakes are large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development. These lakes are extensively used for recreation and, except for the very large lakes, are heavily developed around the shore. Second and third tiers of development are common. The larger examples in this class can accommodate additional development and use.
4. **Remote river segments.** Remote river segments are located in roadless, forested, sparsely populated areas. Common land uses include multiple-use forestry, some recreation facilities, and occasional seasonal or year-round residential. Low intensity recreational uses of these river segments and adjacent lands are common. This class has limited potential for additional development and recreational use due to land suitability and road access constraints.
5. **Forested river segments.** Forested river segments are located in forested, sparsely to moderately populated areas. Predominant land uses include multiple-use forestry, some recreation facilities, seasonal residential, and, within commuting distances of several cities, some year-round

residential. Low-intensity recreational uses of these rivers and adjacent lands are common. This class has substantial potential for additional development and recreational use.

6. **Transition river segments.** Transition river segments are located within the middle reaches of rivers. Common land uses include forested within riparian strips and mixtures of cultivated, pasture, and forested beyond. Some seasonal and year-round residential development exists.
7. **Agricultural river segments.** Agricultural river segments are located in well-roaded, intensively cultivated areas. Cultivated crops are the predominant land use, with some pasture and occasional feedlots, small municipalities, and small forested areas. Residential development is not common, but some year-round residential use is occurring within commuting distances of cities. Overall recreational use of these waters and adjacent lands is low. Although potential exists for additional development and recreation, water quality constraints and competing land uses, particularly agriculture, will inhibit expansions.
8. **Tributary river segments.** Tributary river segments consist of watercourses mapped in the Protected Waters Inventory that have not been assigned one of the river classes in paragraphs 4 through 7, immediately above. These segments have a wide variety of existing land and recreational use characteristics. The segments have considerable potential for additional development and recreational use, particularly those located near roads and cities.

Section 8 Shoreland Areas

Mapped shoreland areas. The extent of the shoreland areas for the public water bodies listed in Section 7, above, shall be as shown on the Official Zoning Map and shall include all land within the following distances from public waters:

- A. One thousand feet (1,000') from the ordinary high water level or a lake, pond, or flowage; and
- B. Three hundred feet (300') from the ordinary high water level of a river or stream.
- C. The limits of shoreland districts may be reduced whenever the waters involved are bounded by natural topographic divides which extend landward for a lesser distance and when approved by the Commissioner of the Department of Natural Resources.

Section 9 Water Systems

- A. **Public water facilities.** Public water facilities, including pipe fittings, hydrants, etc., shall be installed and maintained as required by standards and specifications as established by the Board of County Commissioners, and the Minnesota Department of Health.
- B. **Community water systems.** If public water facilities are not available, the Board of County Commissioners may grant a franchise for water facilities, to serve all properties within the area where a complete and adequate community water distribution system is designed, and complete plans for the system are submitted to and approved by the Board of County Commissioners and the Minnesota State Department of Health.
- C. **Individual wells.** Individual wells shall be constructed and maintained according to standards and regulations approved by the Board of County Commissioners and the Water Well Construction Code of the Minnesota Department of Health.

Section 10 Individual subsurface sewage treatment Systems (ISTS)

- A. Compliance with State law.** It is the intent of Becker County and this Ordinance to establish provisions governing individual subsurface sewage treatment systems that comply with Minnesota Statutes, Chapter 115, and Minnesota Rules, Chapter 7080-7083, relating to individual subsurface sewage treatment systems.
- B. Sewage treatment required.** All premises used for human occupancy shall have an adequate method of sewage treatment that complies with the requirements and standards of this ordinance. Every premise used for human occupation approved under this Ordinance that is not connected to a public sewage treatment system shall have an individual subsurface sewage treatment system designed to receive and treat all sewage from the premises served and shall be in compliance with the requirements of this Section.
- C. Compliance required for ISTS.** An existing individual subsurface sewage treatment system is in compliance if it is not a failing system. Failing system means any system that discharges sewage to a seepage pit, cesspool, drywell, or leaching pit and any system with less than three feet of soil or sand between the bottom of the distribution medium and the saturated soil level or bedrock. In addition, any system posing an imminent threat to public health or safety as defined in this section shall be considered failing. A newly constructed or replacement system is in compliance if it meets the technical standards and criteria of paragraph G., below. A system is not in compliance if footing or roof drainage or chemically treated hot tub and pool water enters any part of a system.
- D. Required upgrade.** The owner of an individual subsurface sewage treatment system that is not in compliance shall upgrade, replace or repair the system so it is in compliance, or discontinue the use of the system within ten (10) months of receipt of a notice of noncompliance. If a system presents an imminent threat to public health or safety the owner shall upgrade, replace, or discontinue the use of the system within thirty (30) days of receipt of a notice of noncompliance.
- E. Prohibitions and requirements.** The following standards shall apply to individual subsurface sewage treatment systems in Becker County.
1. **License required.** No person shall design, install, construct, alter, repair, maintain, pump, inspect or conduct site evaluations of an individual subsurface sewage treatment system in the county without a license from the State of Minnesota except:
 - a. **Government employee.** An individual who is a qualified employee performing work as directed by the state or local government employer;
 - b. **Property owner.** An individual who is constructing a system, other than a mound or pressure system, on land that is owned or leased by the individual and that functions solely as a dwelling or seasonal dwelling for that individual after consulting with a designer I or II licensed by the State of Minnesota. The system shall be inspected before being covered and a certificate of compliance or notice of noncompliance must be provided to the local unit of government after the inspection. Installation of an in-ground Individual subsurface sewage treatment System by an owner shall be supervised by a licensed designer or installer.
 - c. **Employee of licensee.** An individual who performs labor or services under a licensee;
 - d. **Agriculture.** A farmer who pumps sewage waste from individual subsurface sewage treatment systems from dwellings or other establishments that are owned or leased by the farmer and disposes of those wastes on land that is owned or leased by the farmer; or
 - e. **Property owner as part of required disclosure.** A property owner who personally gathers information, evaluates, or investigates the individual subsurface sewage treatment system on or serving the property to provide a disclosure as pursuant to Minnesota Statutes, section 115.55, subd. 6.

2. **Disclosures.** Any person, other than the property owner, who evaluates, investigates, inspects or makes recommendations for the purpose of preparing a disclosure pursuant to Minnesota Statutes, section 115.55, subd. 6 shall be licensed by the State of Minnesota and shall comply with the requirements of this Ordinance.
3. **Discharges.** The following provisions govern discharges related to individual subsurface sewage treatment systems in Becker County.
 - a. **Greywater.** No person shall discharge or cause to be discharged any hand carried greywater directly to surface waters, drainageways, or in a manner harmful to the environment or to public health.
 - b. **Discharge to ground surface or surface water.** Unless specifically permitted by the Minnesota Pollution Control Agency, no person shall discharge any sewage, sewage tank effluent, or seepage from a soil treatment system to the ground surface or to surface water.
 - c. **Discharge of chemicals.** No person shall discharge substances not intended for use in household cleaning including solvents, pesticides, flammables, photo finishing chemicals, and dry cleaning chemicals into a system.
 - d. **Discharge of hazardous waste.** No person shall discharge products containing hazardous waste or hazardous substances into a system other than normal amounts of household products and cleaners designed for household use.
 - e. **Discharge to well or boring.** No person shall discharge sewage, sewage tank effluent, or seepage from a soil treatment system into any well or boring as defined in Minnesota Rules, chapter 4725 or any other excavation in the ground that is not in compliance with this ordinance.

F. **Permits.** The following provisions apply to permits issued by Becker County.

1. **Sewage treatment permit required.** No person, firm or corporation shall install, alter, repair, or extend any individual subsurface sewage treatment system in the County without obtaining a sewage treatment permit from the County Zoning Administrator. Permits shall be valid for twelve (12) months from the date of issue.
2. **Site permits and public hearings.** No site permits shall be issued and no public hearings under this Ordinance shall be scheduled without a valid certificate of compliance for an existing sewage treatment system.
3. **Applications.** Applications for sewage treatment permits shall be made in writing upon printed blanks or forms furnished by the County Zoning Administrator and shall be signed by applicant. Each application for a sewage treatment permit shall contain the following:
 - a. **Legal description.** The correct legal description of the property on which the proposed installation, alteration, repair, or extension is to take place.
 - b. **Site evaluation.** A preliminary and field evaluation of the proposed site.
 - c. **Additional site required.** A preliminary and field evaluation for one additional site. If the lot was created before January 24, 1996, an evaluation for an additional site is required only if there is sufficient area for an additional site.
4. **Inspection of individual subsurface sewage treatment systems (ISTS)**
 - a. **Inspection and certificate of compliance required.** No individual subsurface sewage treatment system shall be put or replaced into service after construction, replacement or repair until it has been inspected by a qualified employee and a certificate of compliance has been issued. No part of the system shall be covered until a certificate of compliance is issued.

- b. **Inspection.** The applicant for the permit shall notify the zoning office when the system is ready for inspection. The zoning office shall complete the inspection within forty-eight (48) hours after being notified that the system is ready for inspection. The owner or occupant shall give the inspector free access to the property at reasonable times.
- c. **Notice of result of inspection.** A certificate of compliance or notice of noncompliance shall be submitted to the owner and to the zoning office within thirty (30) days after completion of any compliance inspection. A certificate of compliance or notice of noncompliance shall include a certified statement by the qualified employee or licensee who conducted the compliance inspection, identify the type of system inspected, and indicate whether the individual subsurface sewage treatment system is in compliance with this ordinance.
- d. **Additional fee.** An additional fee shall be charged for each reinspection that is necessary.

G. **Minimum technical standards for individual subsurface sewage treatment systems (ISTS).** Any activity governed by this Section, including the installation, construction, replacement, alteration, or repair of an individual subsurface sewage treatment system shall meet the minimum technical standards for individual subsurface sewage treatment systems in Minnesota Rules, Chapter 7080-7083, as amended.

Section 11 Essential Services

The following provisions govern permits and information filing requirements for local and non-local essential services.

- A. **Permit required.** Since essential and transmission services as defined by this Ordinance may have an effect upon urbanized areas of the County, County land uses, highway location, park and recreation areas, ecology and preservation of natural environment a permit is required before starting any condemnation action or construction of proposed local or through-County transmission services in any zoning district.
- B. **Procedure for through County, non-local services.** In addition to the requirements for a conditional use permit in Chapter 8, Section 10, transmission services, i.e. utility service such as high voltage (35 KV or greater) electrical power or bulk gas or fuel being transferred from station to station or micro-wave relay transmission and not intended for en route consumption shall follow the following procedure:
 - 1. **Maps and EIS.** The owner shall file with the County Engineer and the County Zoning Administrator such maps showing the location, alignment and type of service proposed as well as an Environmental Impact Statement indicating areas of conflict and solutions to such environmental conflicts as shall be required.
 - 2. **Submission to Planning Commission.** The application for the conditional use permit, all maps and accompanying data submitted to the Zoning Administrator shall be forwarded to the Becker County Planning Commission along with the Administrator's and Engineer's reports for review and recommendation regarding the relationship to urban growth, land uses, highway, environment, recreation and park areas.
 - 3. **Timely review required.** Recognizing a need for timely and adequate service by owners of essential services, the County shall act upon all information filing within ninety (90) days of receipt by the Zoning Administrator and Engineer.
 - 4. **Additional information.** In the process of deliberation, the County can call upon such sources of information public or private as they deem necessary to clarify problems and otherwise provide information necessary to their decision.

- C. **Procedure for local services.** Any application for a permit for essential services for immediate local distribution to the general public within the County and further located within or adjacent to any county highway or county state aid highway right-of-way shall follow the following procedure:
1. **Application and information.** The applicant shall file with the County Engineer, on forms supplied by the County, an application for such permit accompanied with maps showing the locations, alignment and type of service proposed.
 2. **Review process.** The application and accompanying data shall be reviewed by the County Engineer and the County Engineer may issue the permit after determining that the application is acceptable and in the best interest of the County.
 3. **Additional requirements of approval.** The County Engineer may require in conjunction with the issuance of the permit that:
 - a. The applicant submits as-built drawings of the essential service after construction.
 - b. The applicant construct the essential service to take into consideration contemplated widening, regrading or relocation of a county highway or state aid highway.
 4. **Timely review required.** Recognizing the need for adequate and timely service by owners of essential services, the County Engineer shall act upon all information filings or permit applications at the earliest opportunity.
 5. **Additional information.** In the process of deliberation, the County can call upon such sources of information public or private as they deem necessary to clarify problems and otherwise provide information necessary to their decision.
 6. **Temporary distribution services.** Temporary distribution services to residences and similar structures may be made prior to application for an issuance of a permit for local essential services as described above, however, if the services are to be made permanent, or if permanent service is to be installed, application for such services shall be made to the County Engineer within five (5) working days from the date of the installation of the temporary services and shall become subject to issuance of said permit.