

BENTON COUNTY ORDINANCE NO. 285

Interim Moratorium Ordinance

WHEREAS, this ordinance was considered at a public meeting conducted by the Benton County Planning Commission on April 23, 1998 and a public hearing conducted by the Benton County Board of Commissioners on April 28, 1998; and;

WHEREAS, notice of said public hearing was published in the official county newspaper on April 14, 1998; and,

WHEREAS, the Benton County Board of Commissioners is concerned with the orderly development of the unincorporated areas of Benton County, and seeks to promote residential growth and harmony with the preservation of agricultural land in appropriate areas; and,

WHEREAS, the Benton County Board of Commissioners finds that increasing growth and population, particularly near the cities of St. Cloud, Sauk Rapids and Sartell, has raised pressure for residential development in the unincorporated areas of the county, which at times conflicts with established agricultural uses; and,

WHEREAS, the Benton County Board of Commissioners finds that the current zoning regulations contained in the Benton County Development Code, many of which were adopted in the 1970's, may provide insufficient protection to the citizens of the community by failing to prevent scattered residential growth in unsewered and inappropriate areas; and,

WHEREAS, the Benton County Board of Commissioners finds that large scale residential development utilizing individual septic systems may have a harmful effect upon water quality, wetlands and geologically sensitive areas; and,

WHEREAS, the Benton County Board of Commissioners is currently engaged in the process of reassessing and updating the county comprehensive land use plan, which will assist the Benton County Board and the Benton County Planning Commission in determining the appropriate means of regulating development in the county; and,

WHEREAS, the Benton County Board of Commissioners finds that until the completion of said study, continued development of subdivision plats under the terms of the existing ordinance may injure the health, safety and welfare of the citizens of Benton County through inefficient allocation of resources and services; and,

WHEREAS, the Benton County Board of Commissioners has determined that the temporary cessation of the approval or processing of residential plats in the residential area is necessary until such time as appropriate studies and amendments to the comprehensive plan and ordinances can be completed; and,

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WHEREAS, the Benton County Board of Commissioners has authorized the commencement of such studies and has begun the process of amending the Comprehensive Plan and Development Code; and,

WHEREAS, the Board has determined that said amendments will not be completed prior to the expiration of the moratoriums promulgated by Benton County Ordinance 274, 280 and 281, and deems it necessary to extend the provisions of said ordinances.

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

That, pursuant to Minn. Stat. §394.34, the Benton County Board of Commissioners hereby adopts the following interim ordinance:

1. That no conditional use permit or land use permit shall be issued permitting the construction or placement of communication towers, as defined in Section 3.32 of ordinance #185, the Benton County Development Code, in any area of the county governed by the Benton County Development Code.
2. That no conditional use permits shall be issued by the Benton County Planning Commission permitting the construction or placement of single-family dwellings in areas zoned A-1 or A-2, except for dwellings meeting the requirements for 7.1.22 or 7.2.23 of the Benton County Development Code.
3. That no permits allowing Small Subdivisions, as described in §10.10 of the Benton County Development Code, shall be issued by the Benton County Department of Development in areas zoned A-1 or A-2.
4. That no subdivision, multiple unit development, open space development, or planned unit development, as defined and described in Sections 3.179, 10, 7S8, 7S7, 13 and 9.5 of the Benton County Development Code, shall be accepted, processed or approved by the Benton County Department of Development, the Benton County Planning Commission or the Benton County Board of Commissioners.
5. That during the effective period of this ordinance, neither the zoning administrator nor any Department of Development employees may issue or approve land use permits contrary to this ordinance.
6. That the Planning Commission and Department of Development may process and approve, as provided by the Benton County Development Code, any applications for permits for single-family dwellings, and communication towers, that have been completed and duly filed with the Benton County Department of Development prior to the adoption of Ordinance No. 274.

7. That the Department of Development and the Benton County Planning Commission may process and approve, as provided by the Benton County Development Code, any applications for subdivisions that have received preliminary plat approval from the Benton County Board of Commissioners prior to the effective date of ordinance No. 281.
8. That this ordinance shall supersede any provisions of the Benton County Development Code that are not consistent with its terms.
9. That this ordinance shall be effective commencing on May 1st, 1998, and shall remain in effect until May 19th, 1998, unless rescinded or amended by the Benton County Board of Commissioners prior to that date.

**APPROVED BY THE BENTON COUNTY BOARD OF COMMISSIONERS THIS April
28th, 1998.**



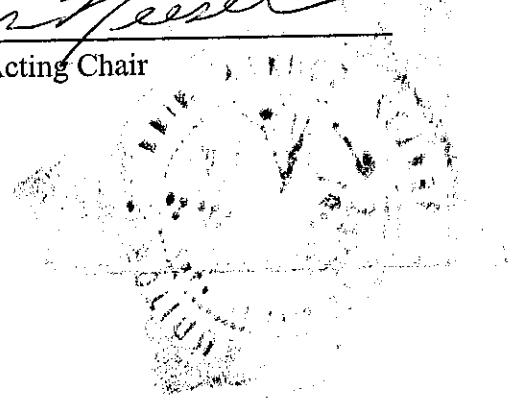
Ken Neeser, Acting Chair

ATTEST:



Curtis Nordling, County Auditor

SEAL:



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

APR 30 1 12 PM '98

ALICE G. CHAPLEAU, RCD
COUNTY RECORDER

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