

## BENTON COUNTY ORDINANCE NO. 322

WHEREAS, the Benton County Board of Commissioners instituted proceedings to amend Benton County Ordinance 185; and,

WHEREAS, on April 11, 2000, Notice of Public Hearing and intent to amend Benton County Ordinance 185, Section 7.2A.24 was published in the official newspaper of the county; and,

WHEREAS, on April 25, 2000, the Benton County Planning Commission did not have a quorum and were unable to take action on this amendment; and,

WHEREAS, on May 2, 2000, Notice of Public Hearing and intent to amend Benton County Ordinance 185, Section 7.2A.24 was published in the official newspaper of the county; and,

WHEREAS, on April 16, 2000, the Benton County Planning Commission held a public hearing thereon and recommended same to the Benton County Board of Commissioners for approval and passage; and,

WHEREAS, on June 6, 2000, 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: that Benton County Ordinance 185, Section 7.2A.24 be amended to read as follows:

Section 7.2A.24 Single family dwellings that do not meet the "farmed areas" criteria of Sections 7.2A.10.b.3 and 7.2A.10.c may be allowed by conditional use, provided all other applicable conditions of Section 7.2A.10 are met, **and** the proposed site meets the criteria of either paragraph a **or** paragraph b of this section.

- a. 75% of the soil on the proposed parcel upon which the dwelling will be located is "marginal", as defined by the Soil Survey of Benton County. This requirement may be waived by the Planning Commission if it determines, after a site inspection, that one or more of the following conditions exist on at least 75% of the proposed site:
  1. Soil and Water Conservation District (SWCD) information indicates that the land has not been seeded crop land for at least ten years; or

2. An unusual amount of granite or rock outcroppings make the proposed site virtually impracticable to farm; or
3. SWCD information indicates the proposed site contains soils that are highly erodible (HEL) and/or potentially highly erodible (PHEL), according to the Benton Soil and Water Conservation Technical Guide.

The Planning Commission may require, as a condition of a permit granted under this paragraph, that the applicant place the dwelling in a location which preserves the maximum amount of contiguous tillable area.

**OR**

- b. A site plan is submitted by the applicant illustrating to the satisfaction of the Planning Commission that the proposed building location preserves the maximum amount of contiguous tillable land after meeting all applicable setbacks. Any permit granted under this paragraph shall be conditioned upon adherence to the site plan.

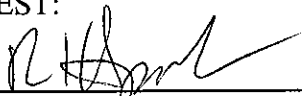
This Ordinance shall be effective upon publication.

APPROVED AND ADOPTED by the Benton County Board of Commissioners this 6<sup>th</sup> day of June in the year of 2000.



Duane Walter, Chair  
Benton County Board of Commissioners

ATTEST:



Rick Speak, Clerk of the Board

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

JUN 7 10 43 AM '00

ALICE C. ENGELMEYER  
COUNTY RECORDER

BY  DEPUTY