

276271

OFFICE OF
BENTON COUNTY RECORDER
BENTON COUNTY, MN
CERTIFIED TO BE FILED
AND FOR RECORDING

JUL 20 2 03 PM '01

MARILYN J. JONES
COUNTY RECORDER
BY Marilyn J. Jones DEPUTY

INTERIM ORDINANCE #333

BENTON COUNTY BOARD OF COMMISSIONERS

Whereas, the spring flooding, high winds and storms of 2001 have presented some especially difficult times for people living in low-lying areas of Benton County; and,

Whereas, because of the flooding, special disaster and emergency management processes have been implemented to assist those persons and property in need; and,

Whereas, relief efforts by the Federal Emergency Management Agency (FEMA), the Small Business Administration (SBA), the State Department of Emergency Management, the Department of Natural Resources (DNR), the Benton County Emergency Management team, local agencies, and Project Impact may provide some funding to assist those persons and properties affected by the flooding; to repair, replace, move or raise the elevations of existing structures located within a Shoreland District; and,

Whereas, Section 9.6.21 of the Benton County Development Code requires an individual sewage treatment system (ISTS), located within a Shoreland District to be in compliance with current design and locational requirements prior to applying for a variance related to associated property; and,

Whereas, there can be up to a two month delay (depending on application time) prior to a variance being heard at the monthly hearings scheduled for the Board of Adjustment; and,

Whereas, the occurrence of the flooding and storm events demonstrated that study and analysis of the proper operation of Section 9.6.21, as it applies to similar circumstances is warranted and, analysis of compliance inspection results and other applicable information of the affected areas will assist the Board of Commissioners in accomplishing that goal; and,

Whereas, Section 5.3 of Benton County Ordinance #196, the Floodplain Management Ordinance of 1990, requires any structure not elevated on fill must be allowed by Conditional Use, and,

Whereas, the Benton County Board of Commissioners seeks to assist those persons owning properties in a Shoreland District, who must apply for a variance or conditional use permit to elevate or move their dwellings to meet the required Flood Plain Elevations;

Now, Therefore, pursuant to MS 394.34, the Benton County Board of Commissioners does hereby adopt a Temporary Interim ordinance as follows: Notwithstanding the provisions of Section 9.6.21 of the Benton County Development Code, certificates of compliance shall not be required prior to the application or approval of a variance, or a

plat
for

76270
MICROFILMED
3.13.

DoD

276271
MICROFILMED
Page 1 of 2

land use permit associated with a variance, for the relocation or elevation of an existing structure located within the Shoreland District.

Applications for variances or associated land use permits within the Shoreland District must be accompanied by a written compliance inspection report. Any system identified as out of compliance must be brought into compliance within one year of the date of the compliance inspection. Any other violations of the Development Code on property on which a variance is applied for shall be corrected within one year of the date of the compliance inspection.

Notwithstanding the requirements of Section 5.3 and 5.4 of the Floodplain Management Ordinance, Conditional Use Permits shall not be required for property owners who choose to use alternative elevation methods, other than fill, to elevate or move an existing structure in the Shoreland District, provided the applicant supplies the Department of Development with building plans drawn, approved and signed by a Registered Professional Engineer or Architect, and complies with all the requirements of Section 5.41 of the Floodplain Management Ordinance, as part of the application process of obtaining a Land Use Permit.

It is also recognized that after a house has been raised to meet the flood elevation, steps, stairs or ramps would be necessary to gain safe entrance to the house. This interim ordinance will allow a "landing" (excluding steps or ramps) not to exceed 32 square feet in area, in front of each door of the house. Other than this "landing," this ordinance applies only to the existing footprint of the structure. Any other proposed expansion of the house must follow the required permitting process. (Land Use Permit, Variance, Conditional Use Permit)

This interim ordinance will be effective upon publication and shall remain in effect for a period of one year thereafter. Prior to the expiration of that one year period of time, the Department of Development shall report findings and recommendations regarding the issues herein to the Board of Commissioners.

Duane Grandy
Duane Grandy, Chair, Board of Commissioners

07-20-01
Date

Rick Speak
Attest: Rick Speak, Clerk

07-20-01
Date