

ORDINANCE NUMBER # 117

BENTON COUNTY, MINNESOTA

WHEREAS, on June 6, 1979, a Notice of Intent to Amend the Benton County Development Code (Ordinance Number 113) and a Notice of Public Hearing thereon was published in the official newspaper and mailed to the governing bodies of all towns and municipalities located within Benton County; and

WHEREAS, on June 21, 1979, a public hearing concerning the proposal to amend said ordinance by deleting the survey of land divisions in A-1 and A-2 zoned lands only required in Sections 10.10 and 10.11 of Ordinance Number 113 was conducted by a majority of the members of the planning commission and the county board; and

WHEREAS, on June 21, 1979, the planning commission voted not to recommend said amendment; and

WHEREAS, a majority of the county board of commissioners is of the opinion that the expense to the property owner outweighs other considerations;

NOW, THEREFORE BE IT ORDAINED by the county board of Benton County that Ordinance Number 113 (Benton County Development Code) be and hereby is amended to read as follows:

10.10 Small Subdivisions

It is not the intent of this Ordinance to require that subdivision plats (Minnesota Statute, Ch. 505) be required for all subdivisions. The county board recognizes that the public health, safety and general welfare may be secured and substantial justice done by simplifying the process of making small subdivisions.

When any lot or parcel of land is split or subdivided to result in from two to not more than five lots or parcels, then the subdivider in lieu of fulfilling the requirements of Sections 10.1 through 10.9 may apply to the zoning administrator for approval of the small subdivision, provided he fulfills the requirements of this section.

The zoning administrator shall approve the application for a small subdivision if and when the subdivider submits the following information and complies with the following requirements:

- (1) The land split or subdivision does not result in more than five lots or parcels.
- (2) Each of the lots or parcels meets the minimum lot size requirement in the zoning district in which the land is situated.
- (3) Each lot or parcel abuts upon and has direct access to an existing public road.


- (4) A certificate of survey or registered land survey shall be required for the resultant parcels of land in areas zoned R-1, R-2, B, I-1 and I-2. Surveys shall not be required in areas zoned A-1 and A-2.
- (5) The subdivider must submit evidence of ownership of a legal interest in the property. That may include the deed of ownership or it may be an attorney's written title opinion.
- (6) The subdivider previously has not divided the tract or parcel, including contiguous lands then or previously owned by him, in such a manner that the requested small subdivision will result in a total of more than five lots or parcels, including those tracts or parcels previously subdivided by said owner.

In the event that the zoning administrator has reason to believe that the subdivider intends to repeatedly use the small subdivision provisions to thwart the purpose and requirements of Section 10.0 of this Ordinance, he may elect to refer the application to the planning commission for action thereon.

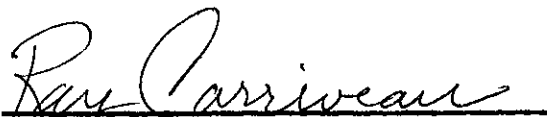
10.11 Conveyance by Metes and Bounds

Subdivided land parcels may be conveyed by metes and bounds property description. However, no building permit may be issued for any such parcel that has not been surveyed and a certificate of survey or registered land survey been filed in the office of the county recorder for those parcels in areas zoned R-1, R-2, B, I-1, or I-2.

ADOPTED by the county board this 9<sup>th</sup> day of July, 1979.

  
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CHAIRMAN

ATTEST:

  
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COUNTY AUDITOR