

BENTON COUNTY ORDINANCE NO. 349

WHEREAS, the Benton County Department of Development instituted proceedings to amend the Benton County Ordinance 185; and,

WHEREAS, on July 23, 2002, Notice of Public Hearing and intent to amend Benton County Ordinance was published in the official newspaper of the county; and,

WHEREAS, on August 8, 2002, 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 September 3, 2002, 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 Sections of the Benton County Ordinance 185 be amended as follows:

Amend Sections 10.10 and 10.11 to read as follows:

10.10 Administrative Subdivisions

10.10.1 Administrative Subdivisions will allow conveyance of certain parcels of land within the agricultural zoning districts with administrative approval.

- A. An administrative subdivision for purposes other than to create a building site shall only be approved if the conveyance does not require creation or altering of any public road right-of-way.
- B. An administrative subdivision for the conveyance of a building site shall only be approved if:
 - 1) The lot to be subdivided is 40 acres or greater in area. Any lot containing less than 40 acres but described by the rectangular survey system as a quarter, quarter section or a complete government lot shall be considered eligible for an administrative subdivision. Said subdivision may not create more than two parcels less than 40 acres in area.
 - 2) Each parcel created by the subdivision is in compliance with the minimum standards and residential density of the district in which it is located.
 - 3) The parcel to be conveyed as a building site is able to support two "standard" sewage treatment systems (proved by two soil borings: one for the primary site and one for the secondary site).

10.10.2 Administrative Subdivision Procedures

- A. The applicant shall submit two copies of a certificate of survey signed by a registered land surveyor for the resultant parcels of land when said parcels are less than forty (40) acres or one (1) quarter, quarter section.
 - 1) The survey shall include a legal description of each parcel;
 - 2) The parcel area;

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- 3) Any existing site improvements; and
- 4) Distances from buildings to property lines.
- B. When applicable, the applicant shall record the appropriate deed restriction, in language approved by the Zoning Administrator prior to the conveyance of any lot, tract or parcel as provided in Sections 10.10.1 A- D.
- C. The subdivider must submit evidence of ownership or a legal interest in the property. That may include the deed of ownership or a title opinion by a practicing attorney at law.
- D. The Zoning Administrator shall review the proposed subdivision for compliance with all applicable ordinances.
- E. Written approval for public road access for each parcel from the appropriate road authority. (Township, County, State).

10.11 Conveyance by Metes and Bounds

Subdivided land parcels greater than or equal to forty (40) acres or one (1) quarter, quarter section in size may be conveyed by metes and bounds property description. However, no land use 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, R-3, B, B-2, I-1 or I-2.

This ordinance shall be effective upon publication.

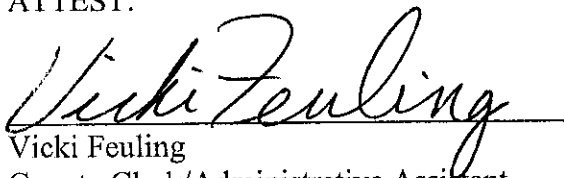
Ordinance Number 341, an interim ordinance prohibiting small subdivisions of land is hereby repealed.

Approved and adopted by the Benton County Board of Commissioners this 3rd day of September in the year of 2002.





Duane Cekalla, Chair
Benton County Board of Commissioners

ATTEST:



Vicki Feuling
County Clerk/Administrative Assistant

MARILYN J. NOVAK
COUNTY RECORDER
BY  NOVAK
DEPUTY 

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

289378

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