

ADMINISTRATIVE LAND SPLIT APPLICATION

File # _____

Date Filed: _____

PID: _____

Landowner Name(s): _____ Phone: _____

Address: _____

Description of Request: _____

Administrative Land Splits

10.4.2 Non-Building Subdivisions

Land, 10 acres or greater and the residual tract is at least 10 acres or greater that is being split and sold for non-building purposes.

10.4.3 Building Sites on parcels 10 Acres or Greater

Creation of a parcel 10 acres or greater for building site development. If the tract contains less than 40 acres but is 35 acres or greater and is described by the rectangular survey system as a quarter, quarter section, in common ownership, the tract shall be considered eligible for an equal split of the parcel.

10.4.4 Boundary Line Correction

The conveyance is, in the opinion of the Department of Development Director, solely for the purpose of correcting a boundary line due to encroachments, to eliminate boundary line disputes or correct an occupation line, or to resolve conflict or inconsistencies in legal descriptions. Applications shall include documentation from a land surveyor, title company, attorney, or court of competent jurisdiction detailing the facts of why the boundary line correction is warranted. The correction of more than one boundary line may require the boundaries lines to be corrected through the platting process.

Administrative Land Split Applications

□ 10.4.5 Parcel Combination

- (A) The combination of 2 or more parcels that are described separately by metes and bounds shall require the recording of a deed that describes all parcels as one with a new legal description. There is no application necessary to combine parcels. Deeds of attachment are not sufficient. Deeds shall be recorded as described in subsection 10.4.6(G) & (I). This process shall not apply to platted lots.
- (B) The addition or subtraction of land to/from abutting parcels may be permitted under the condition that each parcel remains a minimum of 10 acres. If a parcel is reduced to less than 10 acres, it shall be subject to the simple plat process.

Site Information

Zoning District: _____ Density: _____ Total Parcel Size: _____

of Acres to be split: _____ Date of Site Visit _____

2.0 acres dry buildable? Yes/No Req. Width: _____ Req. Depth: _____

Landowner's signature

Date

Landowner's signature

Date

This administrative subdivision approved pursuant Sections _____ and 10.4 of the Benton County Development Code.

Director, Department of Development

Date

Office Use Only

Intent of Restriction: _____ PID of Restricted Parcel: _____

Deed Restriction Doc#: _____ Date Recorded: _____

The Benton County Director of Development may approve an administrative land split application "in-house" if the following items of information are submitted. The application will not be considered complete until all items are submitted.

1. _____ Completed Application signed by all parties with ownership interest.
2. _____ Evidence of Ownership (Legal from Abstract, Deed, Tax Statement)
3. _____ Survey of the entire parcel (consisting of both the lot created and the residual lot) depicting the existing improvements with distances to the property lines (if within 100 feet of the proposed lot line) and the proposed lots size. The land split can not create a non-compliant lot or structures. (Land splits can not be done between platted lots.)
4. _____ One paper copy and a digital copy of a certificate of survey of the entire parcels affected (noting the quarter-quarter lines if less than one quarter-quarter section) and meeting the requirements of Section 10.4 of the Development Code.
5. _____ Each newly created lot must be able to support TWO "TYPE I" sewage treatment systems (proved by two soil borings: one for the primary site and one for the secondary site). Existing sewage treatment systems and land splits for agricultural and recreational uses are exempt. Soil verification fee of \$100.00 plus \$50.00 for each additional lot.
6. _____ Access approval from the road authority.
7. _____ Fee - \$150 plus a \$46.00 Recording Fee.
8. _____ Deed restriction for development or density may be required. An additional \$46 recording fee per document is required.
9. _____ Wetland Review (if determined necessary) by a private wetland delineator fee of \$75.00.
10. _____ Current year & delinquent taxes must be paid in full before new deeds can be recorded. Contact the Auditor/Treasurer's Office to arrange payment.
11. _____ A quit claim deed or warranty deed must be recorded containing the description of the new parcel before the split will be made. Legal description on the survey and deed must match.

Note: Site visit may be required and submission of the application grants staff the permission to enter the site. If the landowner would like to be present during the staff review please make the request in writing. Please note that this will delay the approval process.

Applicant/Property Owner acknowledges that the above items are required as part of the Administrative Subdivision process.

Applicant(s)

Date

10.4 Administrative Land Splits

10.4.1 The conveyance of certain parcels of land may be split administratively in any zoning district if the requirements of this section are met. The Department of Development Director shall have the authority to approve administrative land splits. An administrative land split for subsection 10.4.2 through 10.4.5 shall only be approved if the conveyance does not require creation or altering of any public road right-of-way and any parcel created by the land split is in compliance with the minimum standards and residential density of the district in which it is located. The land split shall not result in a lot, parcel, site, division or building which does not meet the minimum requirements of the Development Code for setbacks, size requirements and/or access. An administrative corrective action shall be approved in accordance with subsection 10.4.3 if it had an existing dwelling constructed prior to August 1, 1978. Subdivisions deemed too complicated by the Department of Development Director may be required to be platted.

10.4.2 Non-Building Subdivisions

Land, 10 acres or greater and the residual tract is at least 10 acres or greater that is being split and sold for non-building purposes, may be allowed if:

- (A) The area of land subdivided and sold is not intended to be used to construct a structure or create a new tract of land containing an existing structure.
- (B) A deed restriction which shall state that the conveyance is for purposes other than to create a building site unless otherwise provided for in this Ordinance.
- (C) State Law requires that with the creation of any new or residual lot, said lot is capable of supporting 2 Type 1 sewage treatment systems. If the intent of the land split is not for the creation of a building site then sewerability would not be required.
- (D) Parcels that are 10 acres or more will remain restricted until such time the provisions of subsection 10.4.3 are met; or successor ordinance.
- (E) If the tract contains less than 40 acres but is 35 acres or greater and is described by the rectangular survey system as a quarter, quarter section, in common ownership, the tract shall be considered eligible for an equal split of the parcel.
- (F) Parcels that are under 10 acres will remain restricted unless platted pursuant to Sections 10.5, 10.7 or 10.8.

(Ord. #440, adopted 10/20/09)

10.4.3 Building Sites on parcels 10 Acres or greater

Creation of a parcel 10 acres or greater for building site development. If the tract contains less than 40 acres but is 35 acres or greater and is described by the rectangular survey system as a quarter, quarter section, in common ownership, the tract shall be considered eligible for an equal split of the parcel. In addition to the requirements in subsection 10.4.6(A)(1) through (4) the survey shall include the following:

(Ord. #440, adopted 10/20/09)

- (A) Existing structures and at the discretion of the Department of Development Director impervious surface calculations may be required.
- (B) The location(s) of any animal feedlot within 660 feet of the survey boundary.
- (C) If determined necessary by the Department of Development Director, a copy of a wetland delineation report of delineated wetland boundaries for all wetlands that are on the parcel being split off.
- (D) Floodway, flood fringe and/or general floodplain district boundary
- (E) Shoreland district boundary.
- (F) Soil boring tests shall be required if on-site sewage treatment systems are to be used. Sites must be verified by Department of Development staff. See Section 9.22.
- (G) The minimum principal building setbacks and resulting building lines.
- (H) The location of ingress and egress to and from the proposed subdivision, including prior approval from the proper road authority (City, State, County, Township).

10.4.4 Boundary Line Correction.

The conveyance is, in the opinion of the Department of Development Director, solely for the purpose of correcting a boundary line due to encroachments, to eliminate boundary line disputes or correct an occupation line, or to resolve conflict or inconsistencies in legal descriptions. Applications shall include documentation from a land surveyor, title company, attorney, or court of competent jurisdiction detailing the facts of why the boundary line correction is warranted. The correction of more than one boundary line may require the boundaries lines to be corrected through the platting process. Deeds shall be recorded as described in subsection 10.4.6(G) & (I).

10.4.5 Parcel Combination.

- (A) The combination of 2 or more parcels that are described separately by metes and bounds shall require the recording of a deed that describes all parcels as one with a new legal description. There is no application necessary to combine parcels. Deeds of attachment are not sufficient. Deeds shall be recorded as described in subsection 10.4.6(G) & (I). This process shall not apply to platted lots.
- (B) The addition or subtraction of land to/from abutting parcels may be permitted under the condition that each parcel remains a minimum of 10 acres. If a parcel is reduced to less than 10 acres, it shall be subject to the simple plat process

10.4.6 Requirements. An administrative subdivision shall be considered by the following procedure:

- (A) The application shall be accompanied with a certificate of survey in a PDF format, prepared by a Licensed Land Surveyor. The survey shall include the following information:
 - (1) Legal description of each parcel;
 - (2) Parcel area;
 - (3) Site improvements, including structures, and
 - (4) Distances from structures to property lines.
- (B) The Department of Development Director shall review the proposed subdivision for compliance with all applicable ordinances.
- (C) The Department of Development Director shall notify the applicant whether the subdivision is approved or denied. If denied, the Department of Development Director shall provide written reasons for the decision.
- (D) Any deed restrictions required herein shall be recorded in the Office of the County Recorder and/or Registrar of Titles.
- (E) Incomplete applications for an Administration Subdivision are valid for 6 months. Administrative Subdivisions shall be considered null and void 1 year after approval if it has not been recorded, unless otherwise approved by the Department of Development Director.
- (F) Written approval from the road authority is required to be recorded with the subdivision documents for subdivisions that are being reviewed pursuant to Section 10.4.3.
- (G) New legal descriptions shall be created for each new parcel or adjusted parcel. Deeds with the new legal descriptions shall be exchanged

between the parties and provided to the Department of Development Director. The certified survey must be attached to each deed for recording. The deeds must be recorded within 1 year. Failure to record the deeds will result in nullification of the administrative subdivision.

- (H) The lots or parcels to be divided and/or combined must be in the same school district or taxing jurisdiction.
- (I) In the event that a parcel cannot be described in whole, the following statement shall be added to the deed:

The property described herein shall be considered one contiguous parcel or tract of land in respect to all matters related to land use and zoning as they may apply. This contiguous parcel or tract of land shall not be combined with other parcels or tracts of land, or subdivided further unless allowed by the applicable County Ordinances.