

BENTON COUNTY ORDINANCE NO: 311

WHEREAS, the Benton County Board of Commissioners has initiated amendments to the subdivision regulations of the Benton County Development Code to promote the dedication of recreational space for public use, to encourage land development which preserves open space, and to encourage a county-wide system of park lands and trails to enhance the quality of living for the citizens of Benton County; and,

WHEREAS, Minnesota Statutes Section 394.25 authorizes county boards to adopt official controls to preserve open space and establish parks; and,

WHEREAS, on February 8 and February 15, 2000, a Notice of Intent to Amend the Benton County Development Code was published in the official newspaper; and,

WHEREAS, on February 22, 2000, the Benton County Planning Commission conducted a public hearing on the proposed amendment; and,

WHEREAS, on March 7, 2000, the Benton County Board of Commissioners conducted a public hearing thereon and approved said amendment.

THE COUNTY BOARD OF COMMISSIONERS OF BENTON COUNTY, MINNESOTA ORDAINS that Ordinance Number 185, the Benton County Development Code, is amended as follows:

Subsection (5) of Section 10.6.1, entitled "Park Dedication" is repealed and deleted.

The following language, to be identified as Section 10.6.2, is added:

10.6.2 Park Land Dedication

1. All plats, including plats associated with planned unit developments, shall be subject to the park dedication requirements of this section.
2. Definitions: the following terms, as used in this section, shall have the following meaning:

Gross Area: Gross area shall include all land in the proposed subdivision, including, but not limited to land designated as out lots, roads and rights of way, drainage and utility easement, and designated wetlands.

Public Recreation Space: An area dedicated to the public for recreational purposes and transferred by recorded deed to the County of Benton. Public recreation space shall not include those areas dedicated for streets, rights of way, easements, wetland preservation, drainage ponds and other non-recreational purposes.

3. In all new subdivision plats, 10% (ten percent) of the gross area shall be set aside and dedicated to Benton County for public recreation space.

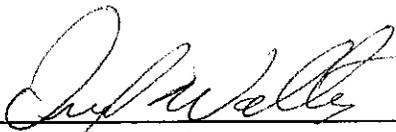
Lands to be dedicated to Benton County as public recreational space shall meet at least one of the following criteria:

- A) The land is adjacent to existing public land used for recreational purposes.
 - B) The land would extend an existing or proposed trail system.
 - C) The land is adjacent to and would extend and protect sensitive areas, including but not limited to: historically significant sites, environmentally sensitive areas, or unique natural resources or features.
 - D) The land is of sufficient size and appropriate nature to maintain a recreational area and is located in or near a residentially developed area.
4. If the Benton County Board of Commissioners determines that less than 10% of the gross area of the proposed plat meets the above criteria, or that there is an insufficient need for public recreation space in the area of the proposed subdivision, the County Board may require, in lieu of dedicated land, that a cash contribution be paid by the subdivision developer to Benton County for the establishment or maintenance of park

land. The cash contribution shall be equal to \$600.00 per each lot designated on the plat. The County Board may require a combination of land and cash contribution.

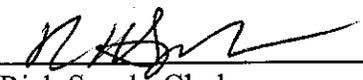
5. At the time of final plat approval, the developer shall remit all cash contributions and deeds.

APPROVED AND ADOPTED by the Benton County Board of Commissioners this 7th day of March, 2000.



Duane Walter, Chair

ATTEST:



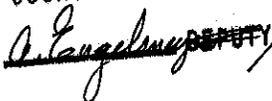
Rick Speak, Clerk

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

MAR 8 2 04 PM '00

ALICE C. ENGELMEYER
COUNTY RECORDER

BY  DEPUTY