

## BENTON COUNTY ORDINANCE NO. 340

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

WHEREAS, on January 22, 2002, Notice of Public Hearing and intent to amend Benton County Ordinance was published in the official newspaper of the county; and,

WHEREAS, on February 7<sup>th</sup>, 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 February 19<sup>th</sup>, 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 the Benton County Ordinance 185 be amended as follows:

**Delete Section 10.10(8)** (Relating to park dedication fees in small subdivisions)

**Add the following language:**

11.7.5

- (1) A park dedication fee shall be paid at the time of application for a land use permit to establish a single family dwelling or multiple dwelling. The fee amount shall be determined by the fee schedule established by the Benton County Board of Commissioners.
- (2) The park dedication fee shall not be required if a park dedication fee has previously been paid for the dwelling or lot pursuant to this section or section 10.6.2.

**Amend Section 10.6.2 to read as follows:**

10.6.2

- (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 ordinance, shall have the following meaning:  
Gross Area: Gross area shall include all land in the proposed subdivisions, 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:

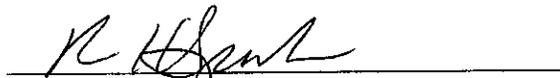
- (A) The land is adjacent to existing public land use for recreational purposes.
  - (B) The land would extend an existing or proposed trail system
  - (C) The land is adjacent to and would extend and protect sensitive areas, including but not limited to: historically significant sites, environmentally sensitive areas, or unique natural resources or features.
  - (D) The land is of sufficient size and appropriate nature to maintain a recreational area.
- (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 a cash payment in lieu of dedicated land be paid by the developer to the County for the acquisition, development or maintenance of parks and trails. The park dedication fee shall be assigned to each proposed dwelling, duplex, triplex, or quad unit per the fee schedule established by the County Board. The County Board may require a combination of land and cash payment, not to exceed the greater of the value of 10% of the gross area (as determined by the County Assessor), or the total value of potential park dedication fees assigned to all proposed dwellings per the fee schedule.
- (5) The Zoning Administrator shall forward a copy of the preliminary plat to the Benton County Park Director. The Park Director shall review the plat, and shall forward a written recommendation to the Board of Commissioners regarding park dedications in the proposed platted area. The Board shall notify the applicant of their decision regarding the park dedication fee at the time of preliminary plat approval so that any necessary changes can be made on the plat design. At the time of final plat approval, the developer shall remit all park dedication fee payments and/or deeded land dedications, per decision by the County Board.

This ordinance shall be effective upon publication.

Approved and adopted by the Benton County Board of Commissioners this 19<sup>th</sup> day of February in the year of 2002.

  
Duane Cekalla Chair  
Benton County Board of Commissioners

ATTEST:

  
Rick Speak, Clerk of the Board

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

FEB 21 2 05 PM '02

MARILYN J. MCYAK  
COUNTY RECORDER

BY  DEPUTY