

**AN INTERIM ORDINANCE PROHIBITING SMALL SUBDIVISIONS OF
LAND**

WHEREAS, Section 10.10 of the Benton County Development Code currently permits the Benton County Zoning Administrator to approve the subdivision of land resulting in two to not more than five parcels, without the necessity of completing a platting process; and,

WHEREAS, the Benton County Board is concerned that the small subdivision process has resulted in an unintended overdevelopment of agricultural land, due to the difficulties inherent in tracking multiple subdivisions of the same parcel; and,

WHEREAS, the Benton County Board intends to conduct studies to determine the most efficient means of regulating the subdivision of land within Benton County to promote orderly development and protect the health and welfare of its citizens; and,

WHEREAS, the Benton County Board has determined that pending the completion of said study, it is in the best interest of the citizens of Benton County that a moratorium be put in place to prohibit the subdivision of land other than by statutory plat; now, therefore,

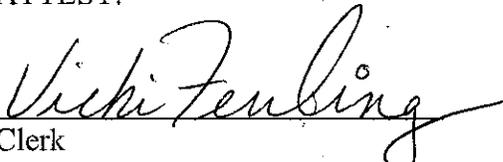
THE BOARD OF COMMISSIONERS OF BENTON COUNTY ORDAINS:

1. That no applications for small subdivisions of land, pursuant to Section 10.10 of the Benton County Development Code, shall be accepted or approved by the Benton County Department of Development.
2. That this ordinance shall be effective immediately upon its passage and publication and shall remain in effect until April 9, 2003.
3. Notwithstanding paragraph 1, any pending application for small subdivision for which appropriate fees have been paid to the Department of Development prior to the effective date of this ordinance may be processed and approved by the Department of Development.

Adopted this 5th day of April, 2002 by the Benton County Board of Commissioners.

By 
Duane Cekalla, Chair

ATTEST:


Clerk

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

APR 5 4 09 PM '02

MARILYN J. NOVAK
COUNTY RECORDER

BY BW DEPUTY

of projects started this late in the season—it's just that the combination of the wet season and the unpleasant experiences which have occurred on the CR #45 project trigger concerns. Commissioner Walter commented that it would make more sense to split the project and get one portion completed first. Mr. Kozel reiterated that county staff has approached them multiple times in this regard; Midwest still insists they can get the whole project graded and graveled before winter. Commissioner Grandy inquired if there are any cost figures if the project were to be stopped immediately; Mr. Kozel responded that he could get some cost figures to the Board in the next couple of days. Chair Cekalla asked for comments from the County Attorney relative to the issues raised; Robert Raupp replied that this is a contractual issue and he would have to review the contract (not a statutory issue). Engineer Kozel clarified that the entire project is tied to MnDOT's specifications; there are guidelines that must be followed, i.e. access must be maintained for people, grading and stability requirements must be met before paving. He felt that the western portion of the project, in particular, may experience difficulties in meeting these guidelines. Chair Cekalla commented that the roads in Benton County have been neglected; the project finally moves forward and then there is a very wet season; he felt there should be some provisions for common sense to prevail. Commissioner Bukowski inquired as to the added costs on the CR #45 project due to the wet weather; Mr. Kozel responded that approximately \$125,000 was spent on that project trying to stabilize it. Commissioner Walter suggested that Chair Cekalla contact the President of Bauerly Companies today and indicate the Board's strong feelings to work toward a compromise in this situation (split the project). Commissioner Soyka indicated that he would like the cost figures first if splitting the project would cost the county extra money; Engineer Kozel was in agreement. Commissioner Grandy also suggested that the Board conduct the road tour this afternoon. Chair Cekalla noted that today's meeting will be recessed until this afternoon's road tour (approximately 2:00 PM); Commissioner Soyka indicated that he will not be in attendance at this afternoon's road tour. Motion by Commissioner Walter to acknowledge receipt of the "petition" (CR #4) and that it become part of the official minutes. Second by Commissioner Grandy. Motion carried.

Chelle Benson, Department of Development Director, submitted proposed language changes (amendment of Sections 10.10 and 10.11 of the Development Code) to address the issues related to the subdivision of land and the ability of the Zoning Administrator to allow specific types of subdivision through an administrative process; she noted that as part of this process, deed restrictions may be required to manage some aspects of the Development Code. Ms. Benson indicated that the Planning Commission has reviewed the proposed changes and recommend approval. Chair Cekalla pointed out that the County Board held their public hearing at the previous meeting and tabled the item for a recommendation of the Planning Commission. Motion by Commissioner Walter to approve the proposed Development Code changes (Sections 10.10 and 10.11) as presented and as recommended by the Planning Commission. Second by Commissioner Grandy for discussion. Ms. Benson provided clarification of the proposed language under Section 10.10.1(B, 1) as requested by Commissioner Grandy, differentiating "zoning" from "subdivision" and pointing out that the underlying zoning

district determines what the next step in the process is. Commissioner Grandy stated his belief that this language may be confusing to the general public. Ms. Benson pointed out that after discussion with the County Attorney, it was felt that this language was the least cumbersome. Motion carried. Motion by Commissioner Soyka to repeal Interim Ordinance #341 (on April 9, 2002, a moratorium was placed on the small subdivision section of the ordinance). Second by Commissioner Bukowski. Motion carried.

Joan Neyssen, Auditor-Treasurer, requested Board review of the parcels of tax-forfeited lands to classify them as "conservation" or "non-conservation" and adoption of a resolution as presented, noting that this is the procedure to start the forfeiture process. She explained that the DNR would be involved in parcels classified as "conservation". Motion by Commissioner Walter to adopt the resolution and authorize the Chair to sign. Second by Commissioner Grandy for discussion. Commissioner Grandy inquired who has reviewed the listing of tax-forfeited lands; Ms. Neyssen indicated that the review was completed by staff member, Ken Puchalla. Commissioner Grandy stated that he would like to receive Mr. Puchalla's comments regarding these parcels. It was pointed out by Commissioner Soyka that the proposed resolution states that these parcels "have been viewed by the County Board of Commissioners", and that this is not a true statement. Commissioner Grandy inquired if the County Board must be listed as a viewing party. Robert Raupp replied that the statute states that the County Board shall classify the parcels; they may designate the authority for viewing of the parcels. Commissioner Soyka inquired if there were pictures taken of these parcels; Ms. Neyssen responded that there were no pictures, but pictures could be taken. She pointed out that the resolution before the Board today is similar to the resolution adopted by the Board last year. Commissioner Bukowski inquired if the listed parcels in the City of Sauk Rapids were up for auction last year; Ms. Neyssen stated she did not believe so. At this time, the motion and second on the floor were withdrawn. Motion by Commissioner Grandy to table this item to the recessed meeting on Friday (amend the proposed resolution). Second by Commissioner Walter. Motion carried. Commissioner Grandy pointed out that he would still like comments from Mr. Puchalla on these parcels.

A five-minute recess was called at 9:52 AM. The meeting was called back to order at 10:02 AM.

Carrie Tripp, Park Director, explained that at the last Board meeting, the Board had requested an update on the Firewise Grant and E 9-1-1 signage. She reported that the grant has not been submitted, it is not finalized; however it is in process with the Department of Natural Resources. Ms. Tripp noted that the Coordinator's staff has been gathering information from other departments to complete the application. It is anticipated that approximately 4,800 signs will be needed to address all of the residential parcels, as well as the commercial and industrial facilities. After discussion with other counties and a sign company, Ms. Tripp indicated that the cost per sign would be approximately \$15.00, including the sign itself and the post and hardware; an additional cost of approximately \$15.00 per sign is anticipated for installation (if contracted out).