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## **10.0 Subdivision Regulations**

### **10.1 Purpose**

All subdivisions of land submitted for approval shall comply, in all respects, with the regulations set forth herein. It is the purpose of these regulations to:

- (1) Facilitate the proper subdivision of land within Benton County.
- (2) Provide for the health and safety of residents by requiring necessary services; such as properly designed streets and adequate sewage and water service.
- (3) Establishing reasonable design standards and procedures for subdivisions and to insure proper legal descriptions and monumenting of land within the County.
- (4) Maintain and enhance the built and natural environment.
- (5) Place the cost of improvements upon those benefiting from their construction.
- (6) Secure the rights of the public with respect to public lands and waters.
- (7) Safeguarding ground water supplies and preventing pollution in order to preserve the value of land.
- (8) Encouraging the wise use and management of natural resources throughout the County, including preventing erosion and providing for adequate drainage and storm water retention. (Ord. #398 adopted 5/8/06)

### **10.2 Policy**

The uncontrolled development and subdivision of property in Benton County, Minnesota impacts the public health safety and general welfare not only by contributing to pollution of ground and surface waters, but the loss of agriculturally important land. Therefore, it is in the best interest of the public health, safety and welfare to provide for the wise subdivision of property in Benton County.

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to the public health, safety and welfare. Land shall not be subdivided unless proper provisions have been made for drainage, water, wastewater, transportation facilities and any other necessary capital improvement.

Each lot created through the subdivision shall be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis shall consider susceptibility to flooding, existence of wetlands, soils and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near shore aquatic conditions, important fish and wildlife habitat, native plant communities and rare

species, significant historical sites or any other feature of the natural land whereby an impact thereto is likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or of the County.

The existing and proposed public improvements shall conform to and properly relate to the County Comprehensive Plan. It is intended that this Ordinance shall supplement the standards and provisions contained in the Benton County Development Code and Benton County Comprehensive Plan. (Ord. #398 adopted 5/8/06)

**10.3 Intentionally Left Blank**

**10.4 Compliance**

The subdivision of all land within Benton County shall be subject to the provisions of this Ordinance.

No permit shall be issued for any use or structure on any parcel of land which was illegally subdivided after August 1, 1978, until the appropriate corrective action has been completed. (Ord. #440, adopted 10/20/09)

**10.5. Boundary Line Adjustments (BLA)**

A boundary line adjustment is a process that may be utilized for the following purposes:

1. The exchange of abutting land,
2. The addition of land to an existing lot, or
3. The relocation of the boundary line between two abutting, existing parcels of property.

Such exchange, addition or relocation shall not cause the creation of an additional lot, parcel, site or division. The boundary line adjustment shall not result in a non-compliant parcel or structure. (Ord. #454, adopted 7/23/13)

**10.5.1 BLA Procedures**

(Ord. #407 adopted 11/14/06) (Ord. #440, adopted 10/20/09)

The following information shall be provided as a part of the BLA procedure:

- A. BLA Application
- B. Three paper copies and one digital copy of a certificate of survey for all affected lots, tracts or parcels (lots) showing the following:
  1. The proposed lines for all affected lots, indicated by heavy solid lines;
  2. The existing lot lines for all affected lots proposed to be changed, indicated by heavy broken lines;

3. The location and dimension of all structures/improvements existing upon the affected lots and the distances between structures/improvements and the proposed boundary lines if within 100 feet of the proposed property line;
  4. The original legal description of the entire property together with the new separated legal descriptions for each parcel;
  5. All parcel numbers of affected lots;
  6. The location and dimension of any drain field, easements, or right-of-ways existing within or adjacent to any affected lots;
  7. The area and dimensions of each lot following the proposed adjustment.
- C. The boundary line adjustment shall not:
1. Create any additional lot, tract, parcel or division;
  2. Result in a lot, parcel, site or division which does not meet the minimum requirements of the Development Code for setbacks, lot size requirements and access;
  3. Increase the non-conforming aspects of an existing nonconforming lot;
  4. Replat, amend, alter or vacate a plat. (Ord. #398 adopted 5/8/06)
  5. Result in a lot being less than 20 acres in size, unless the original lot or lots were 20 acres or less and the proposed lots are equal in size or within 10% of the pre-adjustment size. However, if the lots are less than 20 acres and were not created by an administrative land split a boundary line adjustment may be permitted in excess of 10% of the pre-adjustment size if the proposed lots meet the requirements of Sect. 10.5.1 (C) parts 1-4 above.

## 10.6 Administrative Land Splits

The conveyance of certain parcels of land may be split administratively in any zoning district if the requirements of this section are met. The Director shall have the authority to approve administrative land splits. An administrative land split for items A-E below 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 item d below and Section 6.1.2.

### A. Mortgages

(Ord. #411, adopted 5/15/07)

Subdivision for the purpose of securing a mortgage may be allowed provided that a Deed Restriction accompanies the mortgage stating that both tracts (mortgage and residual) are restricted so that neither tract can be conveyed separately unless platted. The lots shall be considered as a single lot for zoning purposes. A survey of the lots shall not be required.

### B. Agricultural or recreational splits

Land that is being split and sold for agricultural or recreational purposes 20 acres or greater and the residual tract is at least 20 acres or greater may be allowed if the intended purpose of the conveyance is stated in a deed restriction and that the conveyance is not intended as a building site. State Law requires that with the creation of any new or residual lot, said lot is capable of supporting two 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. 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. (Ord. #440, adopted 10/20/09)

C. Parcels 20 Acres or greater

Creation of parcel 20 acres or greater for building site development may only be allowed if there are soil borings identifying the location for two Type 1 sewage treatment sites, that the building site is at least 2 acres of contiguous upland and can meet the provisions of the wetland conservation act and the residual tract is at least 20 acres or greater and either has a septic system or soil borings identifying the location for two Type 1 systems. 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. (Ord. #440, adopted 10/20/09)

D. Corrective Action

(Ord. #431, adopted 10/7/08)

Existing lots, tracts or parcels of land that were illegally subdivided prior to January 1, 2006 and have an existing dwelling constructed prior to August 1, 1978 or permitted by the Department of Development may be permitted to continue as a dwelling site regardless of the lots size and dimensions subject to meeting the requirements of Section 10.6.2. Illegally subdivided lots prior to January 1, 2006, without an existing dwelling constructed prior to August 1, 1978 or permitted by the Department of Development shall be permitted to be created as a building site subject to meeting the applicable standards of the Zoning District and Sect. 10.6 (b), (c), or 10.7.

E. Farmstead Split

(Ord. #452, adopted 5/21/13)

Existing Farmstead Residences, as of July 9, 2013 as defined within Section 3.0, may be split from the existing farm through the administrative land split process if located within an Agricultural District "A" and Rural Agricultural District "R-

A”. State Law requires that with the creation of any new or residual lot, said lot is capable of supporting two 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, however a deed restriction stating that the conveyance is not intended as a building site shall be required.

#### 10.6.1 Administrative Land Split Procedures

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

The following documents (A-E) shall be provided as a part of the Administrative Land Split procedure. Failure to provide the necessary documents will result in the inability to create a legal subdivision according to this Ordinance.

- A. Administrative Land Split Application
- B. Three paper copies and one digital copy of a certificate of survey signed by a registered land surveyor for the land being conveyed.
  - 1. A certificate of survey for all affected lots, tracts or parcels (lots) that shall include a legal description of each parcel;
  - 2. The parcel area;
  - 3. Any existing site improvements within 100 feet of the property lines; and
  - 4. Distances from buildings to property lines.
- C. When applicable, a deed restriction, recorded with the appropriate language approved by the Director prior to the conveyance of the lot, tract or parcel.
- D. 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.
- E. Written approval for public road access for each parcel from the appropriate road authority. (Township, County, State).

Upon submittal of all required documents, the Director of Development shall review the proposed subdivision for compliance with all applicable ordinances. If the Administrative Land Split is compliant it shall be recorded in the Office of the Recorder. If the Administrative Land Split is not compliant all documents shall be returned and the reasons for non-compliance shall be stated in writing to the applicant. (Ord. #398 adopted 5/8/06) (Ord. #407 adopted 11/14/06)

#### 10.6.2 Administrative Corrective Action

(Ord. #407 adopted 11/14/06) (Ord. #440, adopted 10/20/09)

The following documents (A-C) shall be submitted as a part of the Administrative Corrective Action procedure. Failure to provide the necessary documents will result in the inability to create a legal subdivision according to this Ordinance.

- A. Administrative Corrective Action Application.
- B. Three paper copies and one digital copy, if available, of a certificate of survey signed by a registered land surveyor for the land being conveyed.
  - 1. A certificate of survey for all affected lots, tracts or parcels that shall include a legal description of each parcel;
  - 2. The parcel area;
  - 3. Any existing site improvements within 100 feet of the property lines; and

- 4. Distances from buildings to property lines.
- C. 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.

### 10.6.3 Farmstead Split

(Ord. #452 adopted 5/21/13)

The following documents (A-H) shall be submitted as a part of the Farmstead Split procedure. Failure to provide the necessary documents will result in the inability to create a legal subdivision according to this Ordinance.

- A. Farmstead Split Application.
- B. Three paper copies and one digital copy, if available, of a certificate of survey signed by a registered land surveyor for the land being conveyed.
  - 1. A certificate of survey for all affected lots, tracts or parcels that shall include a legal description of each parcel;
  - 2. The parcel area;
  - 3. Any existing site improvements within 100 feet of the property lines;
- C. Distances from buildings to property lines;
- D. Updated abstract and title opinion; and
- E. Wetland delineation for Farmstead Residence lot.
- F. 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.
- G. When applicable, a deed restriction, recorded with the appropriate language approved by the Director prior to the conveyance of the lot, tract or parcel.
- H. Written approval for public road access for each parcel from the appropriate road authority. (Township, County, State).

## 10.7 Subdivision Plats

### A. Pre-Application Meeting

Prior to the preparation of a preliminary plat, the subdividers or owners shall meet with the Benton County Director of Development and staff to determine the type Subdivision Plat based upon the number of lots and the desired style of development. At this meeting the subdivider will be made aware of all applicable ordinances, statutes, regulations, regulators, and procedures.

### B. Park Commission Review

Each Plat intended for residential purposes shall be reviewed by the Department of Development for compliance with the Park Dedication requirements of this Ordinance.

### C. Platting Committee Review

All preliminary subdivision plats shall be reviewed by the County Platting Committee. The Platting Committee reviews plats for compliance with all County standards, policies and Ordinances. Comments from the Platting Committee shall be forwarded to the Planning Commission and the County Board.

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

Any subdivision not meeting the requirements of Section 10.6 shall meet the requirements for platting under Sections 10.7-10.15.

### 10.7.1 Minor Subdivision Plat

The subdivision of land by plat into six or fewer lots in the R-1, R-2, R-3, R-S, B, B-2, I-1, I-2 Districts or 9 or fewer lots in the A or R-A Districts meeting the requirements set forth in Section 10.7.1 of this Ordinance. (Ord. #422, adopted 02/19/08)

#### A. Standard Development Type- Preliminary Plat

- (1) After the pre-application meeting, the subdivider or owners shall file with the Director of Development five copies and a reduction of a preliminary plat and pay a fee as set by separate action of the County Board.
- (2) Within forty-five (45) days after the preliminary plat has been filed with the Director of Development and after reports and certifications have been received as requested, the County Planning Commission shall hold a public hearing on the preliminary plat after notice of the time and place thereof has been published as required by M.S. 394.26. This shall constitute the public hearing on the plat as required by state law.
- (3) It shall be the responsibility of the applicant to obtain all information, statutes, rules, and regulations pertaining to the land proposed to be subdivided. Commission decisions will be based on submissions according to these rules, but shall not be limited to this information in their decision process.

#### B. Cluster Development Type - Preliminary Plat

Cluster Developments shall follow the same provisions noted in Section 10.7.1 for submission of the preliminary plat. However the preliminary plat shall be based upon the Cluster Development Concept Plan that was approved by the Planning Commission by Conditional Use Permit and reflect all conditions of said CUP.

### 10.7.2 Approval of Minor Preliminary Plats

The County Planning Commission shall approve, deny, or table the application request, together with a statement of findings and suggested changes. The Planning Commission may require, as a condition of approval, such changes or revisions as are deemed necessary for the health, safety, general welfare, and convenience of the people of the County. If the Planning Commission does not approve the preliminary plat or places conditions on the preliminary plat that are not acceptable

to the subdivider, the County Board may, upon request of the subdivider at a public meeting consider holding a separate public hearing on the preliminary plat.

Approval of a preliminary plat is an acceptance of the general layout as submitted, and indicates that the subdivider may proceed toward final plat approval in accordance with the terms and provisions of this ordinance. However, approval of the preliminary plat in no way assures approval of the final plat.

Preliminary plat approval by the Planning Commission shall be considered null and void if the final plat is not submitted for County Board approval within one year. The County Board may grant an extension in the case of a phased development in which only part of the preliminary plat is submitted for final approval. The developer shall request an extension at the same time that the first phase is submitted for final plat approval. When an extension is granted by the Board, the final plat for all subsequent phases shall be subject to the official controls in effect at the time of final plat approval. (Ord. #373, adopted 2/17/04)

During the intervening time between approval of the preliminary plat and the approval of the final plat, the subdivider shall submit engineering plans and specifications for all required improvements and any other documents necessary for recording of the plat. (Ord. #398 adopted 5/8/06)

## **10.8 Major Subdivision Plat**

The subdivision of land by plat into more than six lots in the R-1, R-2, R-3, R-S, B, B-2, I-1, I-2 Districts or more than 9 lots in the A or R-A Districts meeting the requirements set forth in Section 10.8 of this Ordinance. (Ord. #422, adopted 02/19/08) (Ord. #431, adopted 10/7/08)

### **A. Standard Development Type- Preliminary Plat**

- (1) After the pre-application meeting, the subdivider or owners shall file with the Department of Development Director five copies and a reduction of a preliminary plat and pay a fee as set by separate action of the County Board.
- (2) Within forty-five (45) days after the plat has been filed with the Director of Development and after reports and certifications have been received as requested, the County Planning Commission shall hold a public hearing on the preliminary plat after notice of the time and place thereof has been published as required by M.S. 394.26. This shall constitute the public hearing on the plat as required by state law. Within thirty (30) days of the date of the public hearing, the Planning Commission shall make its report to the County Board.

- (3) It shall be the responsibility of the applicant to obtain all information, statutes, rules, and regulations pertaining to the land proposed to be subdivided. Board and Commission decisions will be based on submissions according to these rules, but shall not be limited to this information in their decision process.

- B. **Planned Unit Development Type - Preliminary Plat**  
Planned Unit Developments shall follow the same provisions noted in Section 10.8.1 for submission of the preliminary plat. However the preliminary plat shall be based upon specific requirements established within the PUD Zoning District.

#### 10.8.1 Approval of Major Preliminary Plats

The County Planning Commission and the County Director of Development shall forward to the County board a written recommendation to approve, deny, or table the application request, together with a statement of findings and suggested changes. The County Board may require, as a condition of approval, such changes or revisions as are deemed necessary for the health, safety, general welfare, and convenience of the people of the County.

Approval of a preliminary plat is an acceptance of the general layout as submitted, and indicates that the subdivider may proceed toward final plat approval in accordance with the terms and provisions of this ordinance. However, approval of the preliminary plat in no way assures approval of the final plat.

Preliminary plat approval by the County Board shall be considered null and void if the final plat is not submitted for approval within one year. The County Board may grant an extension to preliminary plat approval subject to a request by the developer being submitted prior to the one year deadline. When an extension is granted by the Board, the final plat shall be subject to the official controls in effect at the time of final plat approval. (Ord. #373, adopted 2/17/04)

During the intervening time between approval of the preliminary plat and the approval of the final plat, the subdivider shall submit engineering plans and specifications for all required improvements. (Ord. #398 adopted 5/8/06)

## 10.9 **State and Special District Considerations**

If any of the following circumstances exist, it shall be the responsibility of any unit of government involved to refer the preliminary plat to appropriate special districts or state agencies affected and involved:

- (1) Items of regional or state significance; such as, regional parks, state highways, sewer extensions, or similar matters.
- (2) Pollution (air, water, ground).
- (3) Airports, mass transit, schools, major employment centers, or similar considerations.
- (4) Flooding, shoreland, streams, wetlands, watershed problems, or similar considerations. (Ord. #398 adopted 5/8/06)

## 10.10 **Necessary Data For Preliminary Plat**

Benton County's data requirements for preliminary plats mirror the guidelines established by the Minnesota Society of Professional Surveyors as detailed in their Plat Manual of Minimum Guidelines, Third Edition, 1987. In addition to the data prescribed by the laws of the State of Minnesota, the preliminary plat shall include the following information.

### 10.10.1 **Identification And Description**

- (1) Proposed name of subdivision, pre-approved by the County Recorder's Office, which shall not duplicate or be similar in pronunciation or spelling to the name of any plat heretofore recorded in the County, such as:

ANDERSON'S ADDITION  
FISHER ADDITION  
HAYS ADDITION

ANDERSENS' ADDITION  
FISCHER ADDITION  
HAYES ADDITION

- (2) Location by section, township, range, and by metes and bounds description, listing compass directions, angles and distances of boundaries.
- (3) Vicinity map indicating the location of the property being platted, including area within a one (1) mile radius of the plat.
- (4) Names, addresses, and phone numbers of the recorded owner and any person having contractual interest in the land.

- (5) Surveyor's name, address, phone number and registration certificate number.
- (6) Date of land survey.
- (7) Graphic scale not less than one (1) inch to one hundred (100) feet.
- (8) North direction indicator.
- (9) Section Monumentation (Ord. #398 adopted 5/8/06)

#### 10.10.2 Existing Conditions

The preliminary plat shall include information on the following conditions within the plat and extending to a distance of one hundred fifty (150) feet beyond the boundaries of the proposed plat.

- (1) All affected lots, tracts or parcels (lots) shall be subject to the plat as either a lot or outlot with the boundary lines of proposed subdivision depicted. However, the residual lot if twenty acres or larger may be depicted by a certificate of survey or be platted. If the residual parcel is intended as a building site soil borings shall be provided. (Ord #403 adopted 9/5/06)
- (2) Existing zoning classification(s) for land within and abutting the proposed subdivision. Zoning or rezoning of property is a separate process (see section 11.8.0 of this Ordinance).
- (3) Approximate overall acreage of the subdivision plan.
- (4) Approximate individual lot size and acreage.
- (5) Approximate acreage of developer's concept plan.
- (6) Existing streets, including:
  - (a) Names
  - (b) Location
  - (c) Right-of-way width
  - (d) Type of surface
- (7) Boundary lines of adjoining unsubdivided or subdivided land identified by name and ownership.
- (8) Location of Railroads.

- (9) Location and type of electric power lines.
- (10) Location of gas and oil pipe lines.
- (11) Parks and other public lands.
- (12) Permanent buildings and structures.
- (13) Corporate boundaries.
- (14) School District boundary lines.
- (15) Section lines.
- (16) Individual sewage treatment systems, watermains, and the approximate location of existing water services including wells.
- (17) Topographic data, including vertical contour intervals of two (2) feet, water courses, marshes, rock outcrops, and other significant features. Where feasible, USGS data shall be used for topographic mapping. The plat shall include placement and exact elevation of benchmark in relation to sea level.
- (18) Plats that include land abutting lakes or streams shall denote the one hundred (100) year flood elevation on the face of the plat using numerical figures, provided this information is available from the Division of Waters of the Department of Natural Resources or from the U.S. Army Corps of Engineers.
- (19) Flood Plain, Floodway, and Flood Fringe areas as determined by the most recent Federal Insurance Administration's Flood Insurance Study for Benton County, must be clearly labeled on the plat.

See    Flood Insurance Study for Benton County  
           Flood Boundary and Floodway Maps  
           Flood Insurance Rate Maps

- (20) Indicate location of wetlands (Excluding outlots).  
 (Ord. #407 adopted 11/14/06)
- (21) Tree survey, prepared by the developer, identifying tree coverage in the proposed subdivision in terms of type and extent of potential destruction.
- (22) Additional information may be required as a prerequisite for approval.

### 10.10.3 Subdivision Design Features

- (1) Layout of proposed streets indicating the right-of-way widths, centerline gradients, and typical cross sections.
- (2) The name of any street heretofore used in the county or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used. Final determination of street names must be approved by the Benton County Director of Development.
- (3) Location and widths of proposed alleys and pedestrian ways.
- (4) Areas, other than streets, alleys, pedestrian ways, and utility easements, intended to be dedicated or reserved for public use; including the size of such area or areas in acres.
- (5) Layout, numbers, and preliminary dimensions of lots and blocks.
- (6) When lots are located on a curve, the width of the lot at the building setback line shall be indicated.
- (7) Park dedication areas.
- (8) Urban Overlay Plat (Ghost Plat)  
(Ord. #308 adopted 11/4/99)  
The County may require, at it's option, any subdivision within an Urban Growth or Urban Transition Area to provide an urban overlay plat. The overlay plat shall show in concept the following:
  1. How the land within the subdivision will be subdivided into urban lots in the future.
  2. The layout of future streets or extensions
  3. Easements for the extension of municipal sewer and water, and drainage and utility easements.

#### 10.10.4 Other Information

The following information shall be submitted with the preliminary plat.

- (1) Statement of the proposed use of lots, including type of residential buildings, number of proposed dwelling units, and type of business or industry.
- (2) Statement indicating the effect of the proposed development on traffic, fire hazards, and congestion of population.
- (3) A preliminary grading plan including phasing of grading and proposed grade elevations at 2 foot intervals shown as solid lines. A plan for soil erosion and sediment control both during and after construction. This plan shall include gradients of waterways, design of velocity and erosion control measures, and landscaping of the erosion and sediment control systems. All revegetation measures proposed for the tract including seed and mulch types and application rates. The plan shall conform to all standards found in Section 10.11.7. (Ord. #398 adopted 5/8/06)
- (4) Downstream Drainage: The subdivision's effect on existing downstream drainage facilities outside the area of the subdivision shall be studied by a qualified engineer, and the conclusions of this study shall be reviewed by the County Engineer. When it is anticipated that the additional runoff will overload an existing downstream drainage facility during a ten (10) year storm of one hour duration, approval of the subdivision shall be withheld until adequate provision has been made for the additional run-off. To minimize conflict, appropriate stormwater management practices as described in Section 10.11.7 shall be observed when designing and constructing new subdivisions.
- (5) Drainage plan indicating surface water flow including the design and capacity of water control systems. Refer to standards as described in Section 10.11.7. Location of existing and proposed stormwater facilities, ponds, swales and drainage channels within 150 feet of the tract or proposed to serve the tract. All existing and proposed pipe grades, rim and invert elevations, and normal and high water elevations must be shown on the plan. (Ord. #398 adopted 5/8/06)
- (6) Where the subdivider owns property adjacent to the property proposed for subdivision, the subdivider shall submit a concept plan for the remainder of the property indicating the relationship between the proposed subdivision and any future subdivision. In any event, all subdivisions shall be shown to relate well with existing or potential adjacent subdivisions.

- (7) A central water and sewer system feasibility study shall be completed by a registered civil engineer. Where a central sewer system is not feasible, a qualified engineer will report on the feasibility of individual sewage treatment systems, and will include soil borings and percolation tests to verify conclusions (see Environmental Officer).
- (8) Soil boring tests shall be required if on-site sewage treatment systems are to be used. See Section 9.6.0. (Ord. #407 adopted 11/14/06)
- (9) Such other information as may be requested by the County Planning Commission.

**10.11.0 Subdivision Design Standards**

10.11.1 General Requirements

- (1) The Planning Commission, in its review of the preliminary plat, shall take into consideration the requirements of the community and the best use of the land being subdivided.
- (2) The arrangement, character, extent, width, and location of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Wherever possible and necessary, the arrangement of streets in new subdivisions shall provide for the continuation of existing streets into adjoining areas. Also, where adjoining unsubdivided areas may be subdivided, the arrangement of streets in new subdivisions shall provide for proper street projection into adjoining areas by carrying such streets to the boundaries of new subdivisions at appropriate locations.

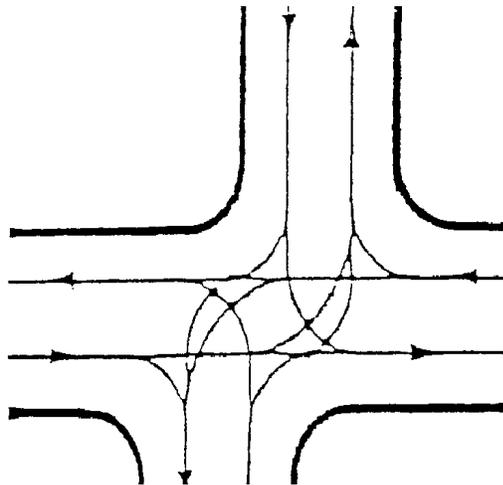
10.11.2 Streets

- (1) Widths: Street right-of-way widths shall conform to the following minimum dimensions (see Benton County **ROAD CLASSIFICATIONS MAP** on page 16-A of Section 10 of this Ordinance):

Type of Street	Right-of-Way Width
Principal Arterial	150 ft
Minor Arterial	100 ft
Collectors	80 ft
Local	66 ft.

(Ord. #398 adopted 5/8/06)

- (2) **Street Intersections:** Insofar as practical, streets shall intersect at right angles. In no case shall the angle formed by the intersection of two streets be less than 70 degrees. Intersections having more than four corners shall be prohibited. Adequate land for future intersection and interchange construction needs shall be dedicated.
- (3) **Tangents:** A tangent (a straight line of travel) of at least three hundred (300) feet shall be provided between curves on arterial and collector streets. Local streets within residential subdivisions are exempt from this provision.
- (4) **Street Deflections (a bend in the road):** When connecting streets deflecting from each other by more than five (5) degrees, such streets shall be connected by a curve with a radius (measured from the centerline) of not less than five hundred (500) feet for arterials, three hundred (300) feet for collectors, and one hundred (100) feet for all other streets. Consideration shall be given to design speed requirements (30 MPH MnDOT STDS).
- (5) **Street Jogs:** Street jogs with centerline offsets of less than 150 feet are prohibited on local streets.



Example of a Jog Intersection

- (6) **Centerline Gradients:** For drainage purposes, all centerline gradients shall be a minimum of 0.5 percent, but shall not exceed the following:
  - Arterials and Collector Streets.....5 percent
  - Minor Streets and Marginal  
Access Streets.....8 percent

- (7) Temporary Accesses: When platting small tracts of land fronting on arterial streets or county roads where there is no convenient access to existing entrances, and where access from such a plat is closer than 1/4 mile from an existing access point, a temporary entrance permit may be granted by the appropriate agency. Provision shall be made in such plats for the connection of roads to neighboring land. As the neighboring land is platted and developed, and access at a preferred location becomes possible, such temporary entrance permits shall become void.
- (8) Hardship to Owners of Adjoining Property: The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- (9) Access to Arterial Streets: When a proposed plat is adjacent to a limited access highway (arterial), no direct vehicular or pedestrian access shall be permitted to such highways from individual lots. As a general requirement, access arterials shall be at intervals of not less than 1/4 mile and shall utilize existing and established cross roads where possible.
- (10) Local Streets: Local streets shall be designed to discourage through traffic use.
- (11) Cul-de-sacs: The maximum length of a street terminating in a turnaround shall be 990 feet (straight design) measured from the centerline of the street of origin to the end of the right-of-way. All other designs shall be subject to individual design approval. Minimum radius of turnaround shall be 80 feet.
- (12) Street Stubs: Street stubs (temporary dead ends without turn-around) are prohibited except where it is practical to require the dedication of the other half when the adjoining property is subdivided; in which case, the dedication of a street stub may be permitted. The probable time that might elapse before the remainder is dedicated will be considered in this decision. In no case shall a street stub exceed 660 feet in length. Temporary construction may be required to allow for vehicular turn-around.

### 10.11.3 Blocks

The length, width, and acreage of blocks shall be sufficient to provide for convenient access, circulation, control, and safety of street design. Blocks designed to be longer than 1300 feet or shorter than 300 feet must be approved by the County Department of Development Director and Highway Engineer. Exceptions may be warranted for the purpose of fostering design originality, provided such exceptions do not violate sound planning principles. Pedestrian ways may be required on

blocks longer than 900 feet or in other areas to provide access to schools, parks, and similar destinations. Pedestrian ways shall be at least ten (10) feet wide and shall be located so as to minimize intersections with streets.

#### 10.11.4 Lots

- (1) **Size:** Lot dimensions shall comply with minimum lot areas as specified in the zoning district. Lots designed as a part of an approved Interim Use Permit for a second dwelling shall be allowed to subdivide the approved design per current subdivision standards.
- (2) **Side Lot Lines:** Side lines of lots shall be substantially at right angles to straight, radial, or curved street lines.
- (3) **Natural Features:** When subdividing land, due regard shall be shown for trees, wetlands, steep slopes, water courses, historic natural features, or similar conditions. Plans shall be adjusted to preserve those items which will add safety, stability, and attractiveness to the proposed development.
- (4) **Drainage:** Lots shall be graded to provide drainage away from buildings.
- (5) **Lot Remnants:** Lot remnants (or outlots) are prohibited except where such lots are designated for a specific purpose, provided with a zoning classification, and made accessible to the public way.
- (6) **Through Lots:** Through lots (lots with frontage on two parallel streets) and lots with reverse frontage are not permitted, except, where such lots back on an arterial or collector street. In which case, such lots shall have an additional depth of at least ten (10) feet to allow for screen planting along the back lot line.

#### 10.11.5 Sewage Treatment

Any proposed plat that includes seven (7) or more lots in the R-2, R-3 or R-S District shall be served by a centralized sewer, to be installed at the developers own cost.

Per Section 7S8.64 Multiple Unit Developments (MUD) in Shoreland Districts shall require a central sewer system meeting the requirements of Section 9.6. (Ord. #398 adopted 5/8/06)

#### 10.11.6 Tree Removal and Conservation of Vegetation

All subdivisions shall be planned, designed, constructed, and maintained so existing healthy trees and native vegetation are preserved to the maximum extent feasible; including adequate protection during construction.

10.11.7 Drainage, Erosion and Sediment Control

The following guidelines shall be applied in the subdivision and construction of land areas (Section 7S1.0 of the Shoreland Ordinance may also apply):

- (1) Development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.
- (2) A storm water management plan for the construction and completed phases shall be developed and implemented for the project. All plans shall be developed and implemented in accordance with all guidelines, specifications, or recommendations in the guidance document, Protecting Water Quality In Urban Areas: Best Management Practices for Minnesota, published by the Minnesota Pollution Control Agency, Division of Water Quality.
- (3) Storm water shall be treated before being discharged to water bodies, streams, ponds, wetlands, ditch systems, water courses, flood plains, agricultural drainage systems or other natural or man-made water bodies or conveyances. A detention pond, infiltration basin, or infiltration trench shall be used for storm water treatment. For treatment of storm water from five residential units or less, the developer may use filter strips or vegetated swales to treat storm water, if permitted by the Benton County Department of Development Director.

All storm water treatment methods must be constructed in accordance with all specifications, guidelines, or recommendations in the guidance document: Protecting Water Quality In Urban Areas: Best Management Practices in Minnesota, published by the Minnesota Pollution Control Agency, Water Quality Division.

- (4) No existing ditch, stream, drain or drainage canal shall be deepened, widened, rerouted, or filled unless permitted by applicable Minnesota Statutes or Rules.
- (5) When topsoil is removed, exposure shall be for the shortest reasonable period of time.
  - (a) Sufficient topsoil shall be set aside for respreading over the developed area.

(b) The soil shall be restored to a depth of at least four (4) inches and shall be equal to or better than the quality of the soil prior to development.

(6) Land shall be developed in increments of workable size so that adequate erosion and siltation controls can be provided as construction progresses. As a general requirement, the smallest practical area of land shall be exposed to the elements at any one period of time.

#### 10.11.8 Easements

All easements shall be dedicated by appropriate language on the plat as required by M.S. Section 505.02, Subdivision 2.

All easements required for public purposes shall be provided at locations approved by the governing body. Said easements may be for utilities, drainage, flood plain protection, lakeshore access, walking trails, etc. All easements, other than utility and drainage easements, must be transferred and recorded at the office of the County Recorder prior to final plat approval. No final plat shall be approved that may for any reason be detrimental to local, county, or regional utility plans.

Oversizing of utilities to provide future service for more intense development of the land, or to provide future service to other areas, may be required.

- (1) Utilities: Easements at least twenty (20) feet wide, centered on rear and other lot lines, shall be provided for utilities where necessary. Easements shall have continuity of alignment from block to block.
- (2) Drainage: Easements shall be provided along each side of the centerline of any water course or drainage channel to a width sufficient to provide proper maintenance and protection, and to provide for storm water runoff from a ten year storm of one hour duration. Where necessary, drainage easements corresponding with lot lines shall be provided. Drainage easements shall not be less than twenty (20) feet in width.

## 10.12.0 **Improvements Required**

### 10.12.1 **Improvements Listed and Described**

Prior to the approval of a final plat, the subdivider shall have agreed in the manner set forth below to install in conformity with construction plans approved by the County Engineer, and in conformity with all applicable standards and ordinances, any specified improvements on the site:

- (1) **Monuments:** Monuments of a permanent character, as required by Section 505.02, M.S.A., shall be placed at each corner or angle on the outside boundary of the subdivision, and pipes or steel rods shall be placed at each corner of each lot and on each intersection of street centerline.
- (2) **Streets:** The right-of-way of each street and alley dedicated in the plat shall be improved to include a roadway surface and drainage system in compliance with applicable county standards.
- (3) **Paving:** The Planning Commission may, at its discretion, require that all streets and alleys be improved with a concrete or bituminous surface. Paving shall be required if central sewer and water services are provided. If central sewer and water services will not be provided for ten (10) or more years, paving may be required. If central sewer and water services are to be required within ten (10) years, paving may not be required until after the central sewer and water services are installed. The County may require a cash deposit to be used for paving the streets after central sewer and water services are provided. Streets to be paved shall be surfaced for seven ton axle weight capacity.
- (4) **Concrete Curb and Gutter:** Concrete curb and gutter may be required for all paved streets.
- (5) (Repealed by Ord. #311, adopted 3/7/00)
- (6) **Street Lighting:** Lighting of a type approved by the County may be required at all intersections within the subdivision.
- (7) **Sewer Mains and Service Connections:** The County may require that sanitary sewer mains and service connections be installed to serve all lots within the subdivision, and that such mains be connected to a public sewer system when available. If a subdivision cannot be connected immediately to a trunk line of a public system but, in the opinion of the County Board and County Engineer, a trunk line will be extended to serve the area within five years through a public disposal system, the County may require that sewer

mains and service connections be installed within the subdivision and the entire system connected to a temporary, package sewage treatment plant.

In areas not served by a sanitary sewer system, individual sewage treatment systems shall be provided for each lot. Individual sewage treatment systems shall be so located as to permit easy and the least expensive connection to the sewer when it becomes available and usable. Where individual sewage treatment systems are installed, the subdivider shall provide underground plumbing extending three (3) feet beyond the footing and shall be temporarily plugged. The area around the stack shall be scored so the septic tank line can be disconnected and connection can be made with the public sanitary sewer system.

When an individual sewage treatment system is used and the septic tank is placed on a side other than where the public sewer would connect, it is required that a capped sewage disposal line extend from the point of ground entrance at the basement or house to a point five (5) feet beyond and to the side from which the future sewer connection will be made. Inside the basement, the elbow shall be set up to be easily reversed for connection to the capped line.

There shall be no overflow outlets from septic tanks or seepage pits allowing effluent to flow to any waterway, drainage way, or roadside ditch.

The subdivider or owner shall provide soil borings and percolation tests so that the proper sewage treatment system design may be determined. Standards for the installation of home sewer systems can be found in section 9.6 of this Ordinance.

- (9) **Drainage:** Drainage systems are required and must comply with sections 10.11.7 and 10.11.8 of this Ordinance.
- (10) **Street Signs:** Street signs of standard design approved by the County shall be installed at each street intersection.
- (11) **Public Utilities:** When carried on overhead poles, utility lines for telephone and electrical service shall be placed in rear line easements. Whenever possible, utilities should be buried.

10.12.2 Park Land Dedication  
(Ord. #373, adopted 2/17/04)

- A. All residential plats, including plats associated with planned unit developments, shall be subject to the park dedication requirements of this section. In all new subdivision plats, up to 10% (ten percent) of the gross area shall be set aside and dedicated by fee title or easement to Benton County for public recreation space.
- B. 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.

**Median Undeveloped Lot Value:** The estimated median market value , as calculated by the County Assessor, of lots within the subdivision, immediately after final plat approval.

- C. Dedication Determination Procedure: The amount and location of lands to be dedicated shall be determined in the following manner:
1. Prior to the public hearing on the preliminary plat, the Department of Development shall review the plat and formulate a written recommendation that will be forwarded to the Board of Commissioners if there is potential park land or trail easement that meets the criteria established below..
  2. The amount and location of lands to be donated for park purposes shall be consistent with the standards set forth in M.S. 394.25., subd. 7.
  3. The determination shall be made by the County Board at a regular meeting prior to the public hearing on the preliminary plat.
  4. In lieu of land dedication, the Board and Director may require a financial contribution pursuant to paragraph E.
- D. Lands to be dedicated to Benton County as public recreational space shall meet at least one of the following criteria:

1. The land is adjacent to existing public land used for recreational purposes consistent with the County's recreational needs.
2. The land would extend an existing or proposed trail system.
3. The land is of sufficient size and appropriate nature to maintain a recreational area.
4. The soils should be suitable for construction of active recreation facilities (Picnic Shelters, playground equipment, etc.).
5. The proposed park should be located in an area that is readily accessible by the road system, can support adequate park space, and can serve both the subdivision and other county citizens using the park system.
6. Provide an opportunity for habitat restoration to support a natural resource based park system.

In addition to the above criteria, land dedicated shall as much as possible extend and protect sensitive areas, including but not limited to: historically significant sites, environmentally sensitive areas, or unique natural resources or features. The land dedicated shall minimize the number of small, fragmented parks in the County.

The County Board shall refuse any proposed park land dedication that fails to meet the above criteria.

- E. The County Board may in its discretion, accept a per lot cash fee in lieu of land, or accept a combination of cash and land contributions. The fee may be up to 10% of the median undeveloped lot value, as of the date of final plat approval, as determined by the Benton County Assessor.

At the time of final plat approval, the developer shall remit all dedication fees required by the Board of Commissioners.

At least 75% of the funds obtained by the County pursuant to this section must be used for the acquisition or development of parks and trails in the Township or city where collected, unless the township board or city council agrees to allow the County to use the funds outside their township or city in a manner consistent with the County Master Plan for Parks, Trails and Open Space and the Comprehensive Plan. The remaining funds may only be used by the County for trail connectivity and accessibility purposes. The County will report annually to cities and townships where funds were collected and expended in the past year. (Ord. #407 adopted 11/14/06)

### **10.13 Payment for Installation of Improvements**

The required improvements to be furnished and installed by the subdivider, which are listed and described above, are to be furnished and installed at the sole expense of the subdivider and at no expense to the public; provided, however, that in the

case of an improvement, the cost of which would, by general policy of the governing body, be assessed only in part to the improved property and the remaining cost paid out of general tax levy, the County Board may make provision for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the County. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the County Board may make provision for causing a portion of the cost of the improvement representing the benefit of such lands to be assessed against the same; in such case the subdivider will be required only to pay for such portions of the whole cost of said improvements as will represent the benefit to the property within the subdivision.

#### 10.13.1 Required Improvements Agreement

Prior to the installation of any required improvements by the County and prior to the approval of the final plat, the subdivider shall enter into a contract in writing with the County requiring the subdivider to furnish and construct said improvements at the subdivider's sole cost in accordance with the plans and specifications and usual contract conditions all approved by the County Board, which shall include provisions for the supervision of details of construction by the Director of Development, and grant to the Administrator the authority to correlate the work to be done under said contract by any subcontractor authorized to proceed there under, and with any other work being done or contracted by the County in the vicinity. This agreement will require the subdivider to provide a financial guarantee; in the form of an escrow deposit, a letter of credit, or a performance bond. If specific terms and/or conditions are required by the county, such terms and/or conditions shall be attached to this guarantee instrument.

If the required improvements are not completed within the time specified, all amounts held under the guarantee instrument shall be turned over to the County and will be applied to the cost of providing the improvements. Any balance remaining after the installation of said improvements shall be returned to the owner or subdivider.

### 10.13.2 Financial Guarantee

The contract shall require the subdivider to furnish a financial guarantee in one of the following forms:

- (1) An escrow deposit shall be made with the County, guaranteeing that all improvements required under section 10.12.1 shall be constructed as provided in the Improvements Agreement. The amount of the deposit shall be equal to 1-1/4 times the total cost of all improvements that have not been constructed prior to the approval of the final plat, plus the costs of inspections by the County, as determined by the County Department of Development Director. The County shall be entitled to reimburse itself out of said deposit for any costs and expenses incurred to complete such work in case of default by the subdivider under the Improvements Agreement, and for any damages sustained by the County on account of any breach thereof. Upon completion of the work and termination of any liabilities of the County or the subdivider under said agreement, the balance remaining of said deposit, plus any and all accrued interest, shall be refunded to the subdivider.
- (2) Performance Bond or Irrevocable Letter of Credit: In lieu of making an escrow deposit above described, and if the County Board so agrees, the subdivider may furnish the County with a public contract of performance bond, in the form prescribed by statute, or an irrevocable letter of credit, with corporate surety in a penal sum equal to 1-1/4 times the total cost of improvements, as estimated by the Department of Development Director, including cost of inspection of all improvements to be furnished and installed by the subdivider pursuant to the contract and which have not been completed prior to approval of the final plat. The bond shall be approved by the County Attorney and filed with the Auditor. The escrow agreement or letter of credit shall incorporate by reference the terms of the agreement entered into pursuant to Section 10.12.1.

### 10.13.3 Construction Plans

Construction plans for the required improvements, conforming in all respects to County standards and the applicable ordinances, shall be prepared at the subdivider's expense by a professional engineer registered in the State of Minnesota; said plans shall contain the engineer's seal. The plans, together with a list of construction materials, shall be submitted to the Department of Development Director for approval. Tracings of the plans approved by the County, plus two prints, shall be filed with the Department of Development Director.

10.13.4 Final Plat

- (1) The owners or subdividers shall file five (5) paper copies and one digital copy of the final plat with the Department of Development Director. If this is not done within one year of preliminary plat approval, the preliminary plat shall be considered void unless extension is requested as a part of a phased development. (Ord. #373, adopted 02/17/04)
- (2) The final plat shall have incorporated all changes recommended by the County Department of Development Director, the County Engineer regarding roads, the County Planning Commission, County Surveyor, County Attorney and County Board as conditions to approval of the preliminary plat, but in all other respects it shall conform to the preliminary plat as approved. It may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at that time, provided that such portion conforms with all requirements of this Ordinance.
- (3) At the time of submission of the final plat, the subdivider or owner shall prepare a map indicating all existing and proposed permanent easements and private roads.
- (4) At the time of submission of the final plat, the applicant shall also submit a title opinion by a practicing attorney-at-law based upon an examination of an abstract of the records of the County Recorder or the Registrar of Titles for the lands included within the plat, and showing the title to be in the name of the owner or subdivider. The date of continuation of the abstract examined, or the date of the examination of the records, shall be within thirty (30) days of submission of the preliminary plat to the Department of Development. (Ord. #422, adopted 02/19/08)
- (5) Public Hearing Process for Final Plats
  - A. For a Minor Subdivision Plat the County Department of Development Director shall submit the required documents and approval by the Planning Commission to the County Board within thirty (30) days of the date of submission of the final plat and the County Board shall act on the final plat within sixty (60) days of submission of the plat.

If a Minor Subdivision Final Plat incorporates all of the following it shall be exempt from the public hearing process for the final plat approval:

- a. All changes recommended by the County Department of Development Director, the County Engineer regarding roads, the

County Planning Commission, County Surveyor, County Attorney and County Board as conditions to approval of the preliminary plat, but in all other respects it shall conform to the preliminary plat as approved, and

- b. Consist of 2 or fewer lots in the R-1, R-2, R-3, R-S, B, B-2, I-1, I-2 Districts or 2 or fewer lots in the A or R-A Districts, and
- c. Does not require the construction and/or improvement of a public road or public sewer,

(Ord. #451, adopted 5/21/13)

B. For a Major Subdivision Plat the County Planning and Zoning Administrator shall refer two copies of the final plat to the Planning Commission for its review and report. The report by these agencies and persons shall be submitted to the County Board within thirty (30) days of the date of submission of the final plat and the County Board shall act on the final plat within sixty (60) days of submission of the plat.

- (6) Upon approval of the final plat by the County Board, the subdivider shall record the plat with the County Recorder as provided for by that office within one hundred and twenty (120) days after the approval. The County Board may grant an extension to recording the final plat approval subject to a request by the developer being submitted prior to the 120 day deadline. Otherwise, the approval of the final plat shall be considered void. The subdivider shall, within thirty (30) days of submittal for recording, furnish the County with an updated abstract, three black line prints and a reproducible print of the final plat showing evidence of the recording.  
(Ord. #398 adopted 5/8/06)

**10.14.0 Data for Final Plat**

10.14.1 General

The plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with the provisions of Minnesota State Statutes and this Ordinance.

10.14.2 Certifications

Form for approval by signature of individuals and officials concerned with the recording of the plat. The owner or subdivider shown in the title opinion shall be the owner of record of the platted lands on the date of recording of the plat with the County Recorder or Registrar of Titles. Execution by all owners of any interest in the land, including any holders of a mortgage therein of the certificate required by Minnesota Statutes, and which certificate shall include an accurate legal description of any area to be dedicated for public use, and shall include a dedication to the County of sufficient easements to accommodate utility services in such form as shall be approved by the County Attorney. (Ord. #398 adopted 5/8/06) (Ord. #410, adopted 4/17/07)

(a) In witness whereof said \_\_\_\_\_ have hereunto set our hands this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and in witness whereof said \_\_\_\_\_ have hereunto set our hands this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

(b) I hereby certify that I have surveyed and platted the property described on this plat as \_\_\_\_\_, that this plat is a correct representation of the survey, that all distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments have been correctly placed in the ground as shown, that the outside boundary lines are correctly designated on the plat, and that there are no wetlands or public highways to be designated other than as shown.

\_\_\_\_\_  
Signature of Land Surveyor

Minnesota Registration Number \_\_\_\_\_

(c) We do hereby certify that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, the Board of Supervisors for \_\_\_\_\_ Township, Benton County, Minnesota, approved this plat.

Signed \_\_\_\_\_  
Chairperson

(d) Be it known that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, the Board of County Commissioners of Benton County, Minnesota, did duly approve this plat of \_\_\_\_\_ and that, as per 505.03 Subd. 2, this plat has been submitted to and written comments and recommendations have been received from the Commissioner of Transportation or County Engineer.

Signed \_\_\_\_\_  
Chairperson

Attest \_\_\_\_\_ Administrator

(e) I hereby certify that this plat has been checked and approved as to compliance with Chapter 505, Minnesota Statutes this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed \_\_\_\_\_  
Benton County Surveyor

(f) This plat was recommended for approval this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed \_\_\_\_\_  
Benton County Engineer

(g) I hereby approve this plat as to form and execution.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed \_\_\_\_\_  
County Attorney, Benton County, MN

(h) No delinquent taxes and transfer entered this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

I hereby certify that taxes in year \_\_\_\_ on land herein described are paid, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed \_\_\_\_\_  
County Auditor/Treasurer, Benton County, MN

(Ord. #398 adopted 5/8/06)

(i) Document Number \_\_\_\_\_

I hereby certify this instrument was filed in the office of the Benton County Recorder for record on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ .M.

Signed \_\_\_\_\_  
County Recorder, Benton County, MN

(j) If property being platted is in the Torrens Systems, use the following:

Document Number \_\_\_\_\_

I hereby certify this instrument was filed in the office of the Registrar of Titles for record on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ .M.

Signed \_\_\_\_\_  
Registrar of Titles, Benton County, MN

## **10.15.0 Modifications, Exceptions, and Variances**

### 10.15.1 Variances

In any particular case where the subdivider can show by reason of exceptional topography, or any other physical condition, that strict compliance with the requirements of the development code would cause exceptional and undue hardship, the Planning Commission may recommend variations from the requirements of this ordinance and refer the matter to the Board of Adjustment. Any modifications thus recommended shall be entered in the minutes of the Planning Commission, as shall the reasons which justify the modifications.