



Doc # A-553593

Office of County Recorder
Chisago County, Minnesota

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Pages: 11

Certified, filed and/or Recorded on: January 16, 2013 3:48 PM

Lee Olson, County Recorder
Well Certificate [] Received

Received from: CHISAGO COUNTY DEPT OF ENVIRONMENTAL SERVICES
Returned To: CHISAGO COUNTY DEPT OF ENVIRONMENTAL SERVICES
ATTN: TARA



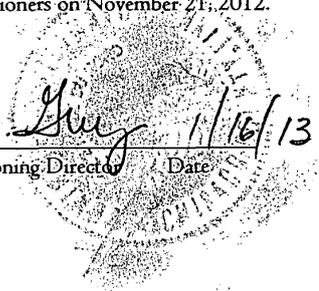
RECORD OF CHISAGO COUNTY BOARD OF COMMISSIONERS ACTION ZONING ORDINANCE AMENDMENT

This document shall amend Chisago County Zoning Ordinance No. 08-3 (recorded as Document #A 538919) by action of the Chisago County Board of Commissioners on November 21, 2012, through adoption of the attached Resolution #12/1121-2 approving said Amendment.

This document was drafted by the undersigned in accordance with the attached record of official proceedings of the Chisago County Board of Commissioners on November 21, 2012.

Tara M. Guy 11/16/13

Tara M. Guy, Assistant Zoning Director Date



This document drafted by Tara M. Guy, Assistant Zoning Director,
Chisago County Environmental Services.

Please return to:
Chisago County Environmental Services/Zoning Department
313 No. Main St. #243
Center City, MN 55012



COUNTY OF CHISAGO

BOARD OF COMMISSIONERS

Chisago County Government Center
313 North Main Street, Room 172
Center City, MN 55012-9663

Phone: 651-213-8830 • FAX: 651-213-8876

Bruce Messelt
County Administrator

Commissioners:
District 1
Lora Walker
District 2
Rick Greene
District 3
George McMahon
District 4
Ben Montzka
District 5
Mike Robinson

Commissioner Greene offered the following resolution and moved its adoption:

RESOLUTION NO. 12/1121-2
APPROVING AN AMENDMENT TO SECTION 3 – DEFINITIONS,
SECTION 5.06 (C) – CONDITIONAL USES (Agricultural District),
SECTION 5.06 (D) – CONDITIONAL USES (Agricultural District),
SECTION 5.06 (D) – INTERIM USES (Agricultural District),
SECTION 5.08 (C) – CONDITIONAL USES (Rural Residential I District),
SECTION 5.08 (D) – INTERIM USES (Rural Residential I District),
SECTION 5.09 (C) – CONDITIONAL USES (Rural Residential II District),
SECTION 5.09 (D) – INTERIM USES (Rural Residential II District),
SECTION 5.12 (C) – CONDITIONAL USES (Commercial/Limited Industrial District),
SECTION 5.12 (D) – INTERIM USES (Commercial/Limited Industrial District),
SECTION 5.14 (C) – CONDITIONAL USES (Protection and Transfer District),
SECTION 5.14 (D) – INTERIM USES (Protection and Transfer District),
SECTION 8.04-1 – INTERIM USE PERMITS
OF THE CHISAGO COUNTY ZONING ORDINANCE
REGARDING INTERIM USE PERMIT REQUIRED

ORDINANCE NO. 08-3

Chisago County, Minnesota

AN ORDINANCE RELATING TO, AND REGULATING THE USE OF LAND,
THE LOCATION, SIZE, USE AND HEIGHTS OF BUILDINGS;
THE ARRANGEMENT OF BUILDINGS ON LOTS;
THE DENSITY OF POPULATION; THE USE OF NATURAL RESOURCES; AND
THE PRESERVATION OF ENVIRONMENTAL RESOURCES FOR THE PURPOSE
OF PROMOTING THE PUBLIC HEALTH, SAFETY, ORDER, CONVENIENCE,
PROSPERITY AND GENERAL WELFARE OF CHISAGO COUNTY.

THE BOARD OF COMMISSIONERS OF CHISAGO COUNTY ORDAINS:

Section 3 - Definitions

ADD: Interim Use: A transitory use of land allowed until a particular date, the occurrence of a particular event or until zoning regulations no longer permits it.

Chisago County is An Equal Opportunity Employer

Section 5.06 (C) – Conditional Uses (Agricultural District)

STRIKE: #6, 7, 11, 12, 14 and 19.

- ~~6. Residential kennels, commercial kennels, veterinary clinics and non-profit animal shelters.~~
- ~~7. Light construction equipment storage areas associated with a legal home occupation.~~
- ~~11. Extraction of minerals, sand, gravel, rock, or any material from the earth and asphalt processing operations in accordance with Section 7.27.~~
- ~~12. Home occupations in accordance with Section 4.04.~~
- ~~14. Personal use airstrips.~~
- ~~19. Contracting businesses owned and operated by person(s) residing at the property, which do not meet the requirements of Section 4.04B.~~

Section 5.06 (D) – Conditional Uses (Agricultural District)

STRIKE: D. Temporary farm employee housing, #1, 2 and 3.

~~D. Temporary farm employee housing.~~

~~1. Purpose~~

~~The purpose of this subdivision is to recognize and accommodate the need for farmers to provide short-term seasonal farm employee housing in order to operate. It is the stated goal of this County to protect long-term agriculture as a vital element to the County's economy and it is the policy of Chisago County to minimize the loss of prime farmland for residential purposes. This subdivision recognizes the need for seasonal farm employees in turf and vegetable farms and seeks to provide reasonable standards for public safety, health, and general welfare while acknowledging the temporary seasonable nature of the housing.~~

~~2. Conditional Use Permit Required.~~

~~A Conditional Use Permit shall be required for Temporary Farm Employee Housing in an (A) District. For purposes of this Section, unit(s) shall mean either:~~

- ~~1) individual living quarters within a separate building(s) or;~~
- ~~2) individual living quarters within one building.~~

~~3. Performance Standards~~

~~All Temporary Farm Employee Housing shall conform to the following standards:~~

- ~~a. The unit(s) shall comply with lot setback requirements for the zoning district.~~
- ~~b. The primary use of the property shall be agriculture.~~
- ~~c. The occupants of the unit(s) shall have at least one person engaged in agricultural employment on the parcel of land where such unit(s) is located.~~
- ~~d. The unit(s) need not be located on the same parcel as the principal dwelling.~~
- ~~e. Such permit shall be non-transferrable.~~
- ~~f. Once the agricultural use of the property has ceased, the unit(s) must be removed.~~
- ~~g. The unit(s) may not be sold or removed from property unless such removal is made to comply with item (e) above or until the permit holder determines that the temporary farm housing is no longer necessary. If the permit holder terminates their use of temporary farm housing, the permit holder shall notify in writing the Zoning Administrator that the permit is no longer being utilized.~~

- ~~h. The unit(s) may only be occupied from May 1 to November 1 each year.~~
- ~~i. The unit(s) shall not be rented and staying in the units shall not be a condition of employment.~~
- ~~j. The number of units allowed under this Section shall be based on demonstrated need by the applicant. The Planning Commission may require any information it deems appropriate from the applicant to support the need for the number of units being applied for.~~
- ~~k. If the unit(s) is built as individual units they shall be separated from each other and from other structures by at least 20 feet, except where units are angled, when the minimum distance may be reduced to ten feet. Multiple units may be required to have greater separation.~~
- ~~l. Each application shall include plans showing designated parking areas, outdoor lighting, recreational areas, and other structures or amenities associated with the permit.~~
- ~~m. The units shall be built in compliance with the State Building Code.~~
- ~~n. Each unit shall provide for an individual sewage treatment system in compliance with the Chisago County Sewage and Wastewater Treatment Ordinance. Sections 4.06, 4.07 and 4.08.1 and .2 of this Ordinance do not apply to Conditional Use Permits under this subdivision.~~

Add Section 5.06 (D) – Interim Uses (Agricultural District)

ADD: D. Interim Uses, #1-7.

D. Interim Uses.

1. Commercial and Residential Kennels.
2. Light construction equipment storage areas associated with a legal home occupation.
3. Extraction of minerals, sand, gravel, rock, or any material from the earth and asphalt processing operations in accordance with Section 7.27.
4. Home occupations in accordance with Section 4.04.
5. Personal use airstrips.
6. Contracting businesses owned and operated by persons residing at the property.
7. Temporary farm employee housing.

a. Purpose

The purpose of this subdivision is to recognize and accommodate the need for farmers to provide short-term seasonal farm employee housing in order to operate. It is the stated goal of this County to protect long-term agriculture as a vital element to the County's economy and it is the policy of Chisago County to minimize the loss of prime farmland for residential purposes. This subdivision recognizes the need for seasonal farm employees in turf and vegetable farms and seeks to provide reasonable standards for public safety, health, and general welfare while acknowledging the temporary seasonable nature of the housing.

b. Interim Use Permit Required.

An Interim Use Permit shall be required for Temporary Farm Employee Housing in an (A) District. For purposes of this Section, unit(s) shall mean either:

- 1) individual living quarters within a separate building(s) or;
- 2) individual living quarters within one building.

c. Performance Standards

All Temporary Farm Employee Housing shall conform to the following standards:

1. The unit(s) shall comply with lot setback requirements for the zoning district.
2. The primary use of the property shall be agriculture.
3. The occupants of the unit(s) shall have at least one person engaged in agricultural employment on the parcel of land where such unit(s) is located.
4. The unit(s) need not be located on the same parcel as the principal dwelling.
5. Such permit shall be non-transferrable.
6. Once the agricultural use of the property has ceased, the unit(s) must be removed.
7. The unit(s) may not be sold or removed from property unless such removal is made to comply with item (e) above or until the permit holder determines that the temporary farm housing is no longer necessary. If the permit holder terminates their use of temporary farm housing, the permit holder shall notify in writing the Zoning Administrator that the permit is no longer being utilized.
8. The unit(s) may only be occupied from May 1 to November 1 each year.
9. The unit(s) shall not be rented and staying in the units shall not be a condition of employment.
10. The number of units allowed under this Section shall be based on demonstrated need by the applicant. The Planning Commission may require any information it deems appropriate from the applicant to support the need for the number of units being applied for.
11. If the unit(s) is built as individual units they shall be separated from each other and from other structures by at least 20 feet, except where units are angled, when the minimum distance may be reduced to ten feet. Multiple units may be required to have greater separation.
12. Each application shall include plans showing designated parking areas, outdoor lighting, recreational areas, and other structures or amenities associated with the permit.
13. The units shall be built in compliance with the State Building Code.
14. Each unit shall provide for an individual sewage treatment system in compliance with the Chisago County Sewage and Wastewater Treatment Ordinance. Sections 4.06, 4.07 and 4.08.1 and .2 of this Ordinance do not apply to Conditional Use Permits under this subdivision.

Section 5.08 (C) – Conditional Uses (Rural Residential I District)

STRIKE: #9 and 11.

~~9. Residential Kennels.~~

~~11. Home occupations in accordance with Section 4.04.~~

Add Section 5.08 (D) – Interim Uses (Rural Residential I District)

ADD: #1 and 2.

1. Residential Kennels.
2. Home occupations in accordance with Section 4.04.

Section 5.09 (C) – Conditional Uses (Rural Residential II District)

~~STRIKE: #6 and 9.~~

- ~~6. Residential kennels.~~
- ~~9. Home occupations in accordance with Section 4.04.~~

Add Section 5.09 (D) – Interim Uses (Rural Residential II District)

ADD: #1 and 2.

- 1. Residential kennels.
- 2. Home occupations in accordance with Section 4.04.

Section 5.12 (C) – Conditional Uses (Commercial/Limited Industrial District)

~~STRIKE: #6.~~

- ~~6. Adult Uses pursuant to Section 7.29~~

Add Section 5.12 (D) – Interim Uses (Commercial/Limited Industrial District)

ADD: #1.

- 1. Adult uses pursuant to Section 7.29.

Section 5.14 (C) – Conditional Uses (Protection and Transfer District)

~~STRIKE: #2, #5 and 6.~~

- ~~2. Residential kennels, commercial kennels, veterinary clinics and non-profit animal shelters.~~
- ~~5. Extraction of minerals, sand, gravel, rock, or any material from the earth and asphalt processing operations in accordance with Section 7.27.~~
- ~~6. Home occupations in accordance with Section 4.04.~~

Add Section 5.14 (D) – Interim Uses (Protection and Transfer District)

ADD: #1, 2 and 3.

- 1. Residential kennels, commercial kennels.
- 2. Extraction of minerals, sand, gravel, rock, or any material from the earth and asphalt processing operations in accordance with Section 7.27.
- 3. Home occupations in accordance with Section 4.04.

Modify Section 7.27 (C) – Mineral Extraction

~~STRIKE: A Mineral Extraction Permit is a conditional use and shall be processed in accordance with Section 8.04 of this Zoning Ordinance and the additional procedures and requirements of this section.~~

ADD: A Mineral Extraction Permit is an interim use and shall be processed in accordance with Section 8.04-1 of this Zoning Ordinance and the additional procedures and requirements of this section.

Add Section 8.04-1 – Interim Use Permits (IUP). An Interim Use Permit is required for all interim uses listed in this Ordinance.

ADD: A. Procedure, #1-12; B.; C. #1-8; D.; E. #1-15; F.; G.; H.; I.; J.; K.; L. #1-4.

8.04-1 Interim Use Permits (IUP) An Interim Use Permit is required for all interim uses listed in this Ordinance.

A. Procedure

A request for an Interim Use Permit (IUP), as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. The application shall also be accompanied by ten (10) copies of detailed written and graphic materials fully explaining the proposed use. The Zoning Administrator shall refer all complete applications along with all related information, to the Planning Commission for consideration. The submittals may include the following:

1. Site plan drawn at scale showing parcel and building dimensions.
2. Location of all buildings and their square footage.
3. Curb cuts, driveways, access roads, parking spaces and off-street loading areas.
4. Existing topography.
5. Finished grading and drainage plan.
6. Type of business or activity and proposed number of employees.
7. Proposed floor plan of any building and use indicated.
8. Sanitary sewer and water plan with estimated use per day.
9. Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitation shall be made part of the permit application.
10. A location map showing the general location of the proposed use within the County.
11. A map showing all principal land use within 350 feet of the parcel for which application is being made.
12. Any other information deemed necessary by the Zoning Administrator or Planning Commission.

- B. Upon receipt of the complete application and all required supporting information, the Zoning Administrator shall make notice for a public hearing to be held by the Planning Commission. Notice of such hearing shall be published in the official newspaper of the County at least ten (10) days prior to the date of the hearing. Written notice of public hearing for interim uses shall be sent to the governing bodies of the affected township and any municipality located within two (2) miles of the affected property. Written notice shall also be sent to all property owners of record within five hundred (500) feet of the affected property in incorporated areas and to property owners within one-quarter (1/4) mile of the affected property or the nearest ten (10) properties in unincorporated areas, whichever would provide notice to the greatest number of owners. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested to by the Zoning Administrator and made part of official record. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

- C. The Planning Commission shall consider possible effects of the proposed interim use based upon (but not limited to) the following general factors and any other requirements set forth in this Ordinance or deemed otherwise relevant:
1. The Comprehensive Plan and development policies of the County;
 2. Whether the use will create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;
 3. Whether the use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;
 4. Whether the structure and site will have an appearance that will have an adverse effect upon adjacent properties;
 5. Whether the use in the opinion of the County is reasonably related to the overall land use goals of the County and to the existing land use;
 6. Whether the use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;
 7. Whether the use will cause traffic hazard or congestion; and
 8. Whether existing nearby properties will be adversely affected by intrusion of noise, glare or general unsightliness.
- D. The Planning Commission, Zoning Administrator, and County Board shall have the authority to request additional information from the applicant and/or to retain an independent consultant at the expense of the applicant if such information or independent review and advice is deemed necessary by the County to adequately protect the public interest during its review of the request and the establishment of any performance conditions pursuant to this Ordinance.
- E. Pursuant to the timelines prescribed in Minnesota Statutes, the Planning Commission shall make a recommendation to the County Board, which may include findings of fact, actions, or conditions relating to the application. The County may impose such additional restrictions or conditions deemed necessary to protect the public interest. These conditions may include the following:
1. Matters relating to the architecture or appearance;
 2. Establishing hours of operation;
 3. Increasing the required lot size or yard dimension;
 4. Limiting the height, size or location of buildings or other structures or facilities, including requiring the underground placement of essential services or transmission or distribution lines;
 5. Controlling the location and number of vehicle access points;
 6. Increasing the street width;
 7. Increasing the number of required off-street parking spaces;
 8. Limiting the number, size, location or lighting of signs;
 9. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property. When appropriate, restrictive covenants may be entered into regarding such matters;
 10. Designating sites for open space;
 11. In the case of a business, the number of employees reporting to the site, and the length of time spent on the premises;
 12. Appropriate mitigation measures;
 13. Termination of the use by a date certain, or an event.

14. Financial surety guaranteeing removal of any residual infrastructure, construction, or other type of development or improvement not removed upon termination of the interim use;
15. Any other information deemed necessary by the Zoning Administrator or Planning Commission.

F. Within sixty (60) days (or as otherwise allowed pursuant to Minnesota Statutes) of receipt of a complete planning application, the County Board shall approve, modify or deny the request and state the findings of its actions. Approval or denial of an IUP shall require passage by majority vote of the County Board. The Zoning Administrator shall notify the applicant of the County Board's action.

G. Reapplication/Lapse of Interim Use Permit.

Reapplication for the same or substantially same IUP shall not be accepted within six (6) months of denial by the Board. Any IUP approved but not utilized within twelve (12) months of the date of approval shall be null and void. The County Board may reissue a terminated Interim Use Permit upon receipt of proper reapplication and fee by the applicant, should a change in the circumstances which had triggered the termination warrant it.

H. Amended Interim Use Permit.

Any change involving structural alterations, enlargement, intensification or expansion of use, or change not specifically permitted by the interim use permit issued shall require an amended interim use permit and all procedures and fees shall apply as if a new permit were being issued.

I. Surety.

The County Board shall have the authority to require a letter of credit, cash or other security when it is deemed necessary and appropriate, which may guarantee compliance with conditions on the IUP, or which may be used to remove residual infrastructure, construction, or other type of development not removed upon termination of the interim use;

J. Annual Certification.

Annual certification of all interim use permits is required. The purpose of the annual certification is to maintain an updated listing of active interim uses in the County, for the permit holder to verify compliance with conditions, and to commence revocation procedures for any permits where the activity has ceased. Permit holders must complete and return certification forms provided by the County. Failure to maintain certification may be a basis to revoke the interim use permit.

K. Violations of the Conditions.

Violation of the conditions set by the County Board on the Interim use Permit shall constitute grounds for the revocation of the IUP. Violating the conditions set in the IUP shall make the use, activity, business, or operation, non-complying and a use which is in violation Section 4.01 D of Ordinance. If an Interim use Permit holder gave false or misleading information in the material submitted in the application process, it shall be considered a violation of the conditions.

L. Surrender/Revocation of Interim Use Permit.

1. Prior to the date, event or change in Ordinance which triggers its termination, any person, corporation, or other entity may surrender an Interim use Permit and the property rights associated with said IUP on the land they own or to which it was issued at a public hearing before the County Board by request made to the Zoning Administrator, and forwarded to the County Board for action.
2. An Interim use Permit may be revoked for violation of any provisions of this Ordinance, violations of the conditions of the IUP, or violation of other laws as applicable. An IUP may be revoked if the use has been abandoned, terminated, or otherwise ended. If the Zoning Administrator finds that probable cause exists to revoke an IUP, a request for such action shall be made to the County Board. A date shall be set at a regular County Board meeting for a hearing on the matter. The Zoning Administrator shall notify the Permittee, and other interested parties of the date of the hearing and state the nature of the alleged violations and/or reason(s) for revocation.
3. At the scheduled hearing before the Board, the Zoning Administrator shall show cause why the IUP should be revoked, presenting such evidence and testimony as necessary. The person(s) holding the IUP or their representative(s) may cross examine witness and rebut evidence presented by the Zoning Administrator, and present evidence and or testimony to demonstrate why the IUP should not be revoked. The Zoning Administrator may cross examine witnesses and rebut evidence presented. By majority vote of the County Board, the IUP shall be revoked or retained, with the Board stating the findings for its actions.
4. If the Board decides to revoke the permit, the revocation shall be effective upon delivery of written notice to the Interim Use Permit holder, or upon posting the notice at the premises for which the IUP was issued. Said notice shall also be recorded with the County Recorder/Registrar of Title. Decisions of the County Board may be appealed to the Minnesota Court of Appeals.

Commissioner Montzka seconded the resolution and upon a vote being taken thereon, the following voted:

IN FAVOR THEREOF: McMahan, Greene, Montzka

OPPOSED: Robinson

ABSENT: Walker

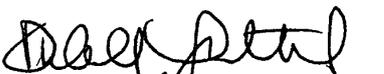
Whereupon the resolution was declared duly **passed and adopted**.

Approved: November 21, 2012



George McMahon, Chair

Attest:



DeAnna M. Lillenthal
Clerk, County Board

Published in the Official Newspaper(s):

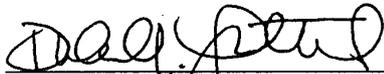
Chisago County Press, Lindstrom on Thursday, December 6, 2012

ECM- Post Review, North Branch on Wednesday, December 5, 2012

CERTIFICATION

State of Minnesota)
) ss.
County of Chisago)

I hereby certify that the foregoing resolution is a true and correct copy of a resolution presented to and adopted by the Board of Commissioners of Chisago County at a duly authorized meeting thereof on the 21st day of November, 2012.



DeAnna M. Lilienthal
Clerk, County Board