

CHISAGO COUNTY

ZONING ORDINANCE NO. 08-3

CHRONOLOGICAL LISTING OF AMENDMENTS SINCE ORDINANCE ADOPTION DECEMBER 30, 2008

1. Amending Section 8.03 (a) - Make-up of Planning Commission – Resolution #10/0120-1 (Document #518707) (Resolution Date - January 20, 2010)
2. Adding Section 8.09 - Penalties and Violations - Resolution #11/0817-1 (Document #536934) (Resolution Date - August 17, 2011)
3. Amending Section 4.12 - Allowing Administrative Parking Permits - Resolution #11/0518-1 (Document #541730) (Resolution Date - May 18, 2011)
4. Amending Section 7.21 - Allowing Administrative Camping Permits - Resolution #11/0518-1 (Document #541729) (Resolution Date - May 18, 2011)
5. Amending Section 5.06 (c) - Allowing “Rural Retail Tourism Uses” as a Conditional Use in the Ag Zone - Resolution #11/1116-1 (Document #541733) (Resolution Date - November 16, 2011)
6. Amending Section 5.11 (c) Allowing “Rural Retail Tourism Uses” as a Conditional Use in the RVC Zone - Resolution #11/1116-1 (Document #541732) (Resolution Date - November 16, 2011)
7. Adding Section 4.15 - Adding Performance Standards and Definitions for Rural Retail Tourism Uses to Section 4 – “General Provisions”. (Document #541731) Resolution #11/1116-1 (Resolution Date - November 16, 2011)
8. Amending Section 7.28 - Temp Cell Towers need no CUP Resolution #12/0815-1 (Document # 553126) (Resolution Date – August 15, 2012)

- | | |
|--------------------------|----------------------------------|
| 9. Amending Sections: | 3.0 Definitions - Interim Uses |
| 10. | amending 5.06 C, |
| 11. | adding D; |
| 12. | amending 5.08 C, |
| 13. | adding D; |
| 14. | amending 5.09 C, |
| 15. | adding D; |
| 16. | amending 5.12 C, |
| 17. | adding D; |
| 18. | amending 5.14 C, |
| 19. | adding D; |
| 20. | amending 7.27 Mineral Extraction |
| 21. And adding Section : | 8.04-1, Interim Use Permits |

(Document # 553593) (Resolution Date - 11/21/2012)



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

John Moosey
County Administrator

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

Commissioner Montzka offered the following resolution and moved its adoption:

**RESOLUTION NO. 100120-1
APPROVING AN AMENDMENT TO
SECTION 8.03 (a) – CHISAGO COUNTY PLANNING COMMISSION
CHISAGO COUNTY ZONING ORDINANCE
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 CHISAGO COUNTY BOARD OF COMMISSIONERS ORDAINS:

WHEREAS, the current Chisago County Zoning Ordinance hereby establishes the Chisago County Planning Commission consisting of seven (7) members appointed by the County Board. One member shall be appointed from each Commissioner's District, one member shall serve at large, and one member shall be a County Commissioner. No more than two (2) members shall be residents of the incorporated communities of Chisago County.

WHEREAS, there had been discussion as to how to improve the effectiveness of the Planning Commission and the Chisago County Board of Commissioners as such bodies deal with specific development issues and broader planning issues;

WHEREAS, the Chisago County Board of Commissioners approved Resolution No. 040121-1 on January 21, 2004 and amended the membership of the Chisago County Planning Commission in the following manner:

1. The Chisago County Board of Commissioners liaison to the Chisago County Planning Commission shall immediately hereinafter be an ex officio member only and shall not have the privilege of a vote on such Planning Commission.
2. An additional At-Large member shall be added to the Chisago County Planning Commission. Such additional At-Large member shall be granted all privileges and responsibilities of membership of the Chisago County Planning Commission including the right to vote. Further, such additional At-Large member shall be appointed to serve a three year term of office.

Chisago County is An Equal Opportunity Employer

A-518707

NOW, THEREFORE, BE IT RESOLVED, that the Chisago County Board of Commissioners amends Section 8.03 (a) of the Chisago County Zoning Ordinance, Ordinance No. 08-3, and hereby establishes the membership of the Chisago County Planning Commission in the following manner:

1. The Chisago County Board of Commissioners liaison to the Chisago County Planning Commission shall immediately hereinafter be an ex officio member only and shall not have the privilege of a vote on such Planning Commission.

2. An additional At-Large member shall be added to the Chisago County Planning Commission. Such additional At-Large member shall be granted all privileges and responsibilities of membership of the Chisago County Planning Commission including the right to vote. Further, such additional At-Large member shall be appointed to serve a three year term of office.

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

IN FAVOR THEREOF: McMahon, Greene, Montzka, Robinson

OPPOSED: None

ABSENT: Walker

Whereupon the resolution was declared duly passed and adopted.

Approved: January 20, 2010


Richard Greene, Chair

Attest: 
DeAnna M. Lilienthal
Clerk, County Board

This amendment shall be in force and effective immediately upon its passage and approval and upon being published in the official newspaper(s) of Chisago County as provided by Minnesota Statutes.

Adopted: January 20, 2010

A-518707



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

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

Kristine Nelson Fuge
Interim County Administrator

Commissioner Greene offered the following resolution and moved its adoption:

**RESOLUTION NO. 11/0817-1
APPROVING AN AMENDMENT TO SECTION 8.09 OF THE
CHISAGO COUNTY ZONING ORDINANCE
CONCERNING PENALTIES AND VIOLATIONS**

A-536934

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 8.09 Penalties and Violations

Any person, firm, or corporation who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine and/or imprisonment as provided by law. Each day that a violation exists shall constitute a new and separate offense. In the event of a violation or threatened violation of any of the terms of this Ordinance, the County may take appropriate action to enforce this Ordinance, including application to court for injunctive relief, action to compel performance, or other appropriate action if necessary to prevent, restrain, correct, or abate such violation or threatened violation. This language shall be construed to include any violation of conditions of approval placed upon a Conditional Use Permit or a Variance. Such enforcement power shall include Departmental authority to assess and recover expenses incurred by the Department as a result of any enforcement action, in accordance with the adopted Fee Schedule. Upon motion the court may award costs, disbursements, and reasonable attorney and witness fees, which costs and fees may be assessed against the property.

Commissioner McMahon seconded the resolution and upon a vote being taken thereon, the following voted: **IN FAVOR THEREOF:** Walker, Greene, Montzka

OPPOSED: McMahon, Robinson

Whereupon the resolution was declared duly passed and adopted.

Approved: August 17, 2011

Chisago County is An Equal Opportunity Employer

Received from/return to:
CHISAGO COUNTY DEPT OF ENVIRONMENTAL
ATTN: TARA



OFFICE OF COUNTY RECORDER
Chisago County, Minnesota



I hereby certify that this document was filed in this office
on 2/24/2012 at 1:24:09 PM and was duly
recorded as document number A-541730
LEE OLSON-County Recorder, by ___ Deputy.

Well Certificate: ___ Received ___ Not Required

Fees:

Total \$.00



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 #538919) by action of the Chisago County Board of Commissioners on May 18, 2011, through adoption of the following Resolution, approving said Amendment:

RESOLUTION NO. 11/0518-I

APPROVING AN AMENDMENT TO ORDINANCE NO. 08-3, SECTION 4.12
CONCERNING OFF-STREET PARKING AND LOADING

A-541730

SECTION 4.12

Section 4.12 Off-Street Parking and Loading

H. Special Event Temporary Parking Administrative Permit

I. Administrative Permit Required:

A Special Event Temporary Parking Administrative Permit shall be required for landowners wishing to provide temporary accommodation to attendees at a County-approved (permitted or conditional approval) large gathering event. Such permits shall be processed through the Department of Environmental Services and Zoning, and approved by the Zoning Administrator. Applications shall be filed with the Department a minimum of 45 days in advance of the event.

2. Application Requirements: The application for Administrative Permit shall include the following:

- a) Completed Administrative Permit Application
- b) Accompanying permit fee as determined by County Board
- c) Detailed narrative description of operating plan for parking vehicles, including days and hours during which access to parking sites will be permitted
- d) Detailed site plan drawn to scale and showing the following:

- Ø The entire parent parcel of land proposed to host parking
- Ø The access road which will serve the affected property
- Ø The number and location of parking sites proposed
- Ø A scaled representation of each parking space

- e) Aerial photo depicting affected property and lands within one half mile
- f) Emergency egress/severe weather plan

- g) Copy of written approval issued by the regulating road authority
- h) *Certificate of liability insurance, homeowners or otherwise with appropriate endorsements
- i) Financial surety in an appropriate amount in favor of Chisago County, guaranteeing reclamation of the property and/or the access off of the public road, as deemed necessary by the regulating road authority.
- j) Event access plan or route for parking clients to use
- k) Copy of contract with a sanitation company providing an appropriate number of portable toilets for the number of parking spaces provided.
- l) Copy of notice provided by applicant to appropriate emergency response agencies

3. **Review of Application:** The application shall be reviewed by the Zoning Administrator, and forwarded for informational purposes to:

- Ø The affected Town Board
- Ø The governing road authority
- Ø The Chisago County Sheriff's Department
- Ø Chisago County Public Works

4. **Approval of Administrative Permit:** Administrative Permits shall be approved and issued by the Zoning Administrator following satisfactory review, including any required approval (if applicable) by any other regulating agencies.

5. **Permit Expiration:** Administrative Permits shall remain in effect for a period of time not exceeding seven consecutive days in any case, or a period of time not exceeding 72 hours prior to, or 72 hours after the conclusion of the special event, whichever is less.

6. **Permit Limitations:** In no case shall any Temporary Administrative Recreational Parking Permit be approved for a time period exceeding seven consecutive days, and no property shall be issued such a Permit or Permit Renewal more than twice in one calendar year.

7. **Permit Renewal:** For landowners wishing to provide these parking accommodations to attendees at regularly scheduled annual events, an application for Administrative Permit Renewal shall be applied for 45 days in advance of the annual event, certifying that the circumstances, site characteristics, number of allowed parking sites and operating plan remains the same as permitted by the original Administrative Permit. The Administrative Permit Renewal application shall carry as fee determined by the County Board.

8. **Other Standards:** Each application shall be reviewed by the Department on a case by case basis. Subject property shall be determined by the Department to be suitable for the proposed use and number of parking spaces through evaluation of the following:

- a) Size of host property
- b) Soils at the site
- c) Access to the site
- d) Proximity to Special Event site
- e) Other criteria deemed by Department to be appropriate for consideration.

Should the subject property be found by the Department to be unsuitable for the intended use based upon the above, or any other relevant criteria, it shall be the prerogative of the Department to deny or modify the terms of approval of the Administrative Permit for just cause.

This document was drafted by the undersigned in accordance with the record of official proceedings of the Chisago County Board of Commissioners on May 18, 2011.

Tara M. Guy 2/23/12
 Tara M. Guy, Assistant Zoning Director Date

A-541730

Received from/return to:
CHISAGO COUNTY DEPT OF ENVIRONMENTAL
ATTN: TARA



OFFICE OF COUNTY RECORDER
Chisago County, Minnesota



I hereby certify that this document was filed in this office
on 2/24/2012 at 1:23:08 PM and was duly
recorded as document number A-541729
LEE OLSON-County Recorder, by _____ Deputy.

Well Certificate: Received Not Required

Fees:

Total \$.00



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 #538919) by action of the Chisago County Board of Commissioners on May 18, 2011, through adoption of the following Resolution, approving said Amendment:

RESOLUTION NO. 11/0518-I
APPROVING AN AMENDMENT TO ORDINANCE NO. 08-3, SECTION 7.2I
ADDING SUBSECTION "J"
CONCERNING RECREATIONAL CAMPING AREAS

SECTION 7.2I

Section 7.2I Recreational Camping Areas

J. Special Event Temporary Recreational Camping Administrative Permit

I. Administrative Permit Required:

A Special Event Temporary Recreational Camping Administrative Permit shall be required for landowners wishing to provide temporary accommodation to attendees at a County-approved (permitted or conditional approval) large gathering event. Such permits shall be processed through the Department of Environmental Services and Zoning, and approved by the Zoning Administrator. If the application includes five or more campsites, a MN Department of Health License shall also be obtained in addition to the County Administrative Permit. Applications shall be filed with this Department a minimum of 45 days in advance of the event.

2. Application Requirements: The application for Administrative Permit shall include the following:

- a) Completed Administrative Permit Application
- b) Accompanying permit fee as determined by County Board
- c) Detailed narrative description of operating plan for camping including days and hours during which access to camp sites will be permitted
- d) Detailed site plan drawn to scale and showing the following:
 - The entire parent parcel of land proposed to host camping
 - The access road which will serve the affected property
 - The number and location of camping sites proposed
 - A scaled representation of each parking/camping space

A-541729

- e) Aerial photo depicting affected property and lands within one half mile
- f) Water supply plan
- g) Detailed description of sewage waste disposal plan
- h) Detailed description of solid waste disposal plan
- i) Emergency egress/severe weather plan
- j) Copy of approved MDH license, or pending application for license, if applicable
- k) Copy of written approval issued by the regulating road authority
- l) Certificate of liability insurance, homeowners or otherwise with appropriate endorsements
- m) Financial surety in an deemed appropriate by the Zoning Administrator in cooperation with the regulating road authority, in favor of Chisago County, guaranteeing reclamation of the property and/or the access off of the public road.
- n) Event access plan or route for campers to use
- o) Copy of notice provided by applicant to appropriate emergency response agencies

3. **Review of Application:** The application shall be reviewed by the Zoning Administrator, and forwarded for informational purposes to:

- The affected Town Board
- The governing road authority
- The Chisago County Sheriff's Department
- Chisago County Public Works
- Minnesota Department of Health (if applicable)

4. **Approval of Administrative Permit:** Administrative Permits shall be approved and issued by the Zoning Administrator following satisfactory review, including required approval by any other regulating agencies.

5. **Statutory Requirements:** Administrative Permit holders shall adhere to all applicable regulations set forth in MN Statute 327 and MN Rule 4630.

6. **Permit Expiration:** Administrative Permits shall remain in effect for a period of time not exceeding seven consecutive days in any case, or a period of time not exceeding 72 hours prior to, or 72 hours after the conclusion of the special event, whichever is less.

7. **Permit Limitations:** In no case shall any Temporary Administrative Recreational Camping Permit be approved for a time period exceeding seven consecutive days, and no property shall be issued such a Permit or Permit Renewal more than twice in one calendar year.

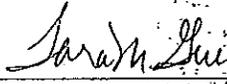
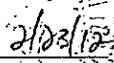
8. **Permit Renewal:** For landowners wishing to provide these accommodations to attendees at regularly scheduled annual events, an application for Administrative Renewal shall be applied for 45 days in advance of the annual event, certifying that the circumstances, site characteristics, number of allowed camping sites and operating plan remains the same as permitted by the original Administrative Permit. The Administrative Renewal application shall carry a fee determined by the County Board.

9. **Other Standards:** Each application shall be reviewed by the Department on a case by case basis. Subject property shall be determined by the Department to be suitable for the proposed use and number of campsites through evaluation of the following:

- a) Size of host property
- b) Soils at the site
- c) Access to the site
- d) Proximity to Special Event site
- e) Other criteria deemed by Department to be appropriate for consideration.

Should the subject property be found by the Department to be unsuitable for the intended use based upon the above, or any other relevant criteria, it shall be the prerogative of the Department to deny or modify the terms of approval of the Administrative Permit for just cause.

This document was drafted by the undersigned in accordance with the record of official proceedings of the Chisago County Board of Commissioners on May 18, 2011.

 
Tara M. Guy, Assistant Zoning Director Date

A-541729



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 #538919) by action of the Chisago County Board of Commissioners on November 16, 2011, through adoption of the following Resolution, approving said Amendment:

A-541733

RESOLUTION NO. II/III16-I

APPROVING AN AMENDMENT TO ORDINANCE NO. 08-3, SECTION 5.06 (C)
ADDING RURAL RETAIL TOURISM AS A CONDITIONAL USE IN AG ZONE

SECTION 5.06 (c) 25

Section 5.06 (C)

25. Rural retail tourism businesses which attract travelers or visitors to areas historically or traditionally used for agricultural purposes, which are generally small-scale, low-impact, and entertainment, recreation, and/ or education-focused.



OFFICE OF COUNTY RECORDER
Chisago County, Minnesota



I hereby certify that this document was filed in this office
on 2/24/2012 at 1:24:42 PM and was duly
recorded as document number A-541733

LEE OLSON-County Recorder, by _____ Deputy.

Well Certificate: Received Not Required

Fees:

Total \$.00

This document was drafted by the undersigned in accordance
with the record of official proceedings of the
Chisago County Board of Commissioners on November 16, 2011.

Tara M. Guy 2/23/12

Tara M. Guy, Assistant Zoning Director Date



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 #538919) by action of the Chisago County Board of Commissioners on November 16, 2011, through adoption of the following Resolution, approving said Amendment:

RESOLUTION NO. 11/III16-1

APPROVING AN AMENDMENT TO ORDINANCE NO. 08-3, SECTION 5.II (C) 12
ADDING RURAL RETAIL TOURISM AS A CONDITIONAL USE IN RVC ZONE

A-541732

SECTION 5.II (C) 12

Section 5.II (C) 12

12. Rural retail tourism businesses which attract travelers or visitors to areas historically or traditionally used for agricultural purposes, which are generally small-scale, low-impact, and entertainment, recreation, and/ or education-focused.



OFFICE OF COUNTY RECORDER
Chisago County, Minnesota

I hereby certify that this document was filed in this office on 2/24/2012 at 1:24:32 PM and was duly recorded as document number A-541732

LEE OLSON-County Recorder, by ___ Deputy.

Well Certificate: Received Not Required

Fees: Total \$0.00

This document was drafted by the undersigned in accordance with the record of official proceedings of the Chisago County Board of Commissioners on November 16, 2011.

Tara M. Guy 2/23/12

Tara M. Guy, Assistant Zoning Director Date

Received from/return to:
CHISAGO COUNTY DEPT OF ENVIRONMENTAL
ATTN: TARA



OFFICE OF COUNTY RECORDER
Chisago County, Minnesota



I hereby certify that this document was filed in this office
on 2/24/2012 at 1:24:22 PM and was duly
recorded as document number A-541731
LEE OLSON-County Recorder, by ___ Deputy.

Well Certificate: ___ Received ___ Not Required

Fees:

Total \$0.00



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 #538919) by action of the Chisago County Board of Commissioners on November 16, 2011, through adoption of the following Resolution, approving said Amendment:

RESOLUTION NO. 11/1116-1
APPROVING AN AMENDMENT TO ORDINANCE NO. 08-3, SECTION 4
ADDING SECTION 4.15 TO SECTION 4 – "GENERAL PROVISIONS"

A-541731

SECTION 4.15

Section 4.15 Rural Retail Tourism Businesses

A. Purpose. In accordance with the stated goals of the Chisago County Comprehensive Development Plan, it is the purpose of this subdivision to:

- Preserve and celebrate Chisago County's archaeological properties, rural and agricultural heritage, and historical landscapes;
- Recognize Chisago County's scenic features, exceptional rural ambience, historic sites as desirable local amenities which will draw outside revenue from visitors, that is vital to the local economy.
- Enhance Chisago County's appeal to visitors who are drawn to its rural atmosphere;
- Provide opportunities for new economic growth through Rural Retail Tourism businesses;
- Assist the County's citizens in the transition from primarily agricultural land uses, to an expanded variety of rural business opportunities as active family farming continues to diminish in Chisago County.

B. Standards. Rural Retail Tourism Businesses shall meet the following standards:

1. Rural Retail Tourism businesses shall be located within the A or RVC Zoning Districts;
2. Rural Retail Tourism businesses shall require a Conditional Use Permit in accordance with Section 8.04 of this Ordinance;
3. Rural Retail Tourism businesses shall be shown to have a unique and demonstrable relationship with Chisago County or its region, and its history, culture, traditions, arts, crafts, lore, natural resources, or other features and amenities, in accordance with the above stated purposes.

C. Allowed Uses. Allowed Rural Retail Tourism businesses shall include things as farm or other historical heritage attractions, single family residential rental properties for retreats, crafting, weddings, receptions, bed & breakfasts; small-scale, low impact special events or music festivals, corn mazes, holiday celebrations and harvest festivals, country-craft/antique shops, unique local venues providing for the sale

and serving of locally produced raw and/or value-added agricultural products, goods and services, and other reasonably related merchandise, and other uses determined by the Department to be similar in nature and scope.

D. The terms "small-scale" and "low-impact" shall be construed to refer to land uses which:

1. Do not create an excessive demand upon existing services or amenities;
2. Are screened or able to be screened adequately, or are sufficiently separated from adjacent development or land, to prevent undue negative impact to nearby properties;
3. Will not have an appearance that is inconsistent or incompatible with the surrounding area;
4. Will not cause traffic hazard or undue congestion;
5. Will not negatively impact the neighborhood by intrusion of noise, glare, odor, or other adverse effects.

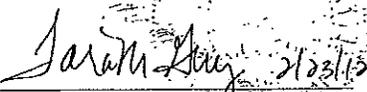
Applications which are determined to be unable to meet the above criteria may be processed as a major commercial conditional use, provided the use is allowed in the relevant Zoning District.

E. All conditional uses for Rural Retail Tourism shall meet the applicable requirements of Section 8.

F. Code Compliance. An existing structure or SSTS which is subjected to a change in occupancy or GPD loading as a result of an approved CUP for a Rural Retail Tourism business shall be retrofitted and/or upgraded to conform to current code requirements. All existing buildings proposed for use in association with the business shall be certified by an architect or engineer to be in compliance with current structural standards for the new occupancy prior to any use of the structure.

A-541731

This document was drafted by the undersigned in accordance with the record of official proceedings of the Chicago County Board of Commissioners on November 16, 2011.


Tara M. Guy, Assistant Zoning Director Date



Doc # A-553126

Office of County Recorder Fee \$0
Chisago County, Minnesota Pages: 1
Certified, filed and/or Recorded on: January 7, 2013 3:36 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 #538919) by action of the Chisago County Board of Commissioners on August 15, 2012, through adoption of the following Resolution approving said Amendment:

**RESOLUTION NO. 12/0815-1
APPROVING AN AMENDMENT TO SECTION 7.28 (A)
OF THE CHISAGO COUNTY ZONING ORDINANCE
REGARDING CONDITIONAL 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 7.28 (A)

1. A conditional use permit is required for the construction or erection of any communications towers. New uses on existing structures are exempt from the CUP process, but require Planning Commission and County Board approval, except that:
2. Temporary towers erected in association with special events to provide additional signal coverage for the duration of the event shall constitute an exception from the requirement of a Conditional Use Permit. Such temporary towers shall be allowed with an Administrative Planning Permit issued by the Department of Environmental Services, and must meet performance standards determined by the Zoning Administrator.
3. Temporary towers erected in response to emergency situations which threaten the health, safety or welfare of the public shall be considered exempt from the above provisions.

This document was drafted by the undersigned in accordance with the record of official proceedings of the Chisago County Board of Commissioners on August 15, 2012.

Tara M. Guy, Assistant Zoning Director Date



Doc # A-553593

Office of County Recorder
Chisago County, Minnesota

Fee \$0
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



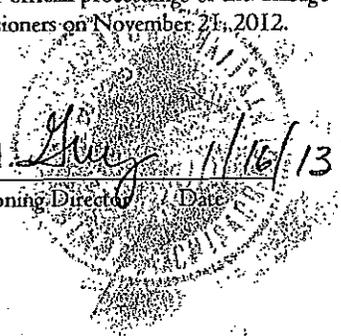
RECORD OF CHISAGO COUNTY BOARD OF COMMISSIONERS ACTION ZONING ORDINANCE AMENDMENT

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

Commissioners:

District 1
Lora Walker
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George McMahon
District 4
Ben Montzka
District 5
Mike Robinson

Bruce Messelt
County Administrator

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

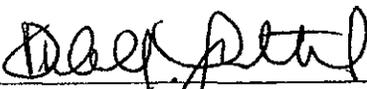
Whereupon the resolution was declared duly passed and adopted.

Approved: November 21, 2012



George McMahan, Chair

Attest:



DeAnna M. Lilienthal
Clerk, County Board

Published in the Official Newspaper(s):

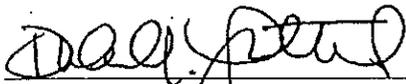
Chisago County Press, Lindstrom on Thursday, December 6, 2012

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. Lillenthal
Clerk, County Board