

ORDINANCE NO. 2008- 1

AN ORDINANCE AMENDING THE CLAY COUNTY LAND DEVELOPMENT  
ORDINANCE: ZONING & SUBDIVISION REGULATIONS

RECITALS

WHEREAS, the Clay County Board of Commissioners, upon recommendation of the Clay County Planning Commission, desires to modify the Clay County Land Development Ordinance: Zoning & Subdivision Regulations Ordinance 2005-1, as amended, as indicated herein, additionally repealing the Development Ordinance's existing language in the following sections, and substituting therefore the following language:

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE  
COUNTY OF CLAY, MINNESOTA HEREBY ORDAINS AS FOLLOWS:

1. Add Levee, Ring as Conditional Use in all Zoning Districts

The Code is hereby amended in the following way:

Page 5-13, Table 5-1 Use Table: Add Levee, Ring as Conditional Use in all Zoning Districts

2. Revise Site Location Limitation in the AG District  
Currently the Code's language related to these setbacks in Clay County Code Section 8-5D-4-A-5 reads as follows:

**5. Site Location Limitation:** Site locations shall be limited to parcels or lots which are wooded with healthy and mature trees and not currently used for agricultural purposes, or are unsuitable for economical agricultural uses because of poor soils, rough topography or other natural features.

This language is modified to read as follows:

**5. Site Location Limitation:** It is preferred that site locations be limited to parcels or lots which are wooded with healthy and mature trees and not currently used for agricultural purposes, or are unsuitable for economical agricultural uses because of poor soils, rough topography or other natural features, however any site may be allowed.

3. Change number of Animal Units for administrative permit and setback for same **8-6-3-G and 8-6-3-G-1**  
Currently the Code's language in Clay County Code Section 8-6-3-G including 8-6-3-G-1 reads as follows:

**G. Permit for Feedlots with Under 500 Animal Units:** Feedlots with more than fifty (50) but less than five hundred (500) animal units shall obtain a permit from the Zoning Administrator verifying that requirements of this Ordinance are met. The permit application shall be accompanied by a site plan indicating structures and feeding areas, and by proof that the proposed feedlot meets state requirements.

**1. Setbacks:** Animal feedlots of more than fifty (50) and less than five hundred (500) animal units and their associated manure storage areas shall maintain following setbacks:

This language is modified to read as follows:

**G. Permit for Feedlots with Under 250 Animal Units:** Feedlots with more than forty-nine (49) but less than two hundred fifty (250) animal units shall obtain a permit from the Zoning Administrator verifying that requirements of this Ordinance are met. The permit application shall be accompanied by a site plan indicating structures and feeding areas, and by proof that the proposed feedlot meets state requirements.

**1. Setbacks:** Animal feedlots of more than forty-nine (49) and less than two hundred fifty (250) animal units and their associated manure storage areas shall maintain following setbacks:

4. Change threshold number of Animal Units that require a Conditional Use Permit.

Currently the Code's language related to these setbacks in Clay County Code Section 8-6-3-H reads as follows:

**H. Conditional Use Permit for Feedlots Over 499 Animal Units:** Feedlots with five hundred (500) or more animal units shall require a conditional use permit and shall comply with the provisions in subsections A. through F., of this Section. Conditional feedlots shall not be permitted to have lesser setback than the requirements for smaller feedlots in subsection G.

This language is modified to read as follows:

**H. Conditional Use Permit for Feedlots Over 249 Animal Units:** Feedlots with two-hundred fifty (250) or more animal units shall require a conditional use permit and shall comply with the provisions in subsections A. through F., of this Section. Conditional feedlots shall not be permitted to have lesser setback than the requirements for smaller feedlots in subsection G.

5. Change references to feedlots under Section A, Agricultural and Related Uses in Table 5-1 on page 5-9, specifically the fifth and sixth defined use type, which currently read:

Animal feedlots or poultry lots of more than fifty (50) animal units of livestock or poultry and less than five hundred (500) animal units

Animal feedlots or poultry lots of five hundred (500) or more animal units

Which shall be modified to:

Animal feedlots or poultry lots of more than forty-nine (49) animal units of livestock or poultry and less than two-hundred fifty (250) animal units

Animal feedlots or poultry lots of two-hundred fifty (250) or more animal units

ADDITIONALLY, REMOVE:

Animal feedlots or poultry lots of more than forty-nine (49) animal units of livestock or poultry and less than two-hundred fifty (250) animal units

6. REMOVE Section 8-3-2-B3, "Side Yard Exceptions" for Accessory Buildings and 8-3-2-C4 "Rear Yard Exceptions" for Accessory Buildings. These setbacks are already stipulated within each separate zoning district.
7. Add a definition for Sensitive Areas to Section 8-8-2, Definitions.

Currently the Code does not include a definition for sensitive areas. The following definition shall be added, where appropriate, to section 8-8-2 of the Code:

**SENSITIVE AREAS:** include shorelands; delineated flood plains (along Red River only includes 1,000 feet from bank); federal, state or local wild and scenic river districts; within 1,000 feet of a karst feature (sinkhole, cave, disappearing spring, resurgent spring, karst window, dry valley or blind valley); within 1,000 feet of a fen, spring or flowing well; sites listed on the Clay County Biological Survey; vulnerable parts of delineated drinking water supply management areas; and those areas having a "very high" sensitivity rating to pollution as shown on Plate 4 of 4, "Sensitivity of Surficial Aquifers to Pollution" from the MN DNR Regional Hydrogeologic Assessment Southern Red River Valley, Minnesota, 2000.

8. Add provisions to Chapter 3, as a new section, for the keeping of animals on Residential Parcels, applicable in all Zoning Districts where residential uses are allowed:

The Code currently does not have provisions that specifically govern the keeping of animals on residential parcels.

The following language shall be added as a new section in Chapter 3:

**8-3-15 PROVISIONS FOR KEEPING ANIMALS ON RESIDENTIAL PARCELS:**

- A. **Residential Parcel:** a parcel of land that meets the criteria set forth either in Minnesota Statute 273.13, as amended, or by the Clay County Assessor for classification as “residential” (Class 1) for property taxation purposes. This definition does not apply to parcels in legally platted subdivisions.
  - B. **Animals on Residential Parcels:** The keeping of chickens, ducks, geese, turkeys or other domestic fowl and/or cattle, horses, pigs, goats, sheep or other domestic livestock on residential parcels shall conform to the following provisions:
    1. Minimum Parcel Size: None of the aforementioned animals shall be kept on a parcel smaller than two (2) acres in size.
    2. Useable Area: Useable area is calculated by subtracting one (1) acre from the parcel’s total acreage. The number of whole acres remaining after subtracting one (1) acre is considered the “Useable Area”.
    3. Number of Animals Allowed Per Parcel: A maximum of one (1) animal unit per fenced acre of useable area is allowed.
    4. Fences: Fences confining animals shall be located at least ten (10) feet from adjoining property lines.
    5. All manure generated by animals on the property shall be disposed of in an appropriate manner approved by the Clay County Planning Office.
    6. The Clay County animal unit definitions shall be used to determine the actual number of animals that constitute one (1) animal unit.
9. Allow a kennel as a conditional use in the Resource Protection–Aggregate (RP-Agg)

Amend Table 5-1 on page 5-11 to reflect kennel as a conditional use in the RP-Agg district.

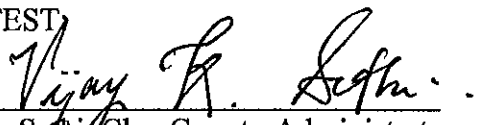
IT IS HEREBY ORDAINED THAT the foregoing revisions be made to the Clay County Land Development Ordinance: Zoning and Subdivision Regulations.

Adopted by the Clay County Board of Commissioners August 5, 2008 (items 1-7 and 9) and August 19, 2008 (item 8).



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Jon Evert,  
Chairman, Clay County Board of Commissioners

ATTEST



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Vijay Sethi, Clay County Administrator

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