

# CLAY COUNTY, MINNESOTA

## ORDINANCE NO. 2012-5

### AN ORDINANCE OF THE COUNTY OF CLAY, MINNESOTA REPEALING, READOPTING AND RE-ESTABLISHING A FUNCTIONAL CLASSIFICATION NETWORK WITHIN THE COUNTY COMPREHENSIVE PLAN

**WHEREAS**, the County of Clay, Minnesota ("County") is a statutory County duly organized and existing under Article XII of the Minnesota Constitution; and

**WHEREAS**, pursuant to Minnesota Statute Chapter 394 and specifically §394.21, the County has the power and authority to conduct and implement planning activities;

**WHEREAS**, the County has, by ordinance, and pursuant to Minnesota Statute Chapter 394.23, adopted the Clay County Comprehensive Plan (July, 2002);

**WHEREAS**, the County has the ability to amend the Comprehensive Plan pursuant to Minnesota Statute §394.30 following completion of notice and publication protocols as set forth within Minnesota Statute §375.51;

**WHEREAS**, the County has undertaken a process to establish and draft Development Code provisions related to access control and access management, consistent with authority granted under Minnesota Statutes §160.08; and to further amend and repeal certain sections of the Development Code to ensure continuity and consistency with aforementioned access control/management provisions; and

**WHEREAS**, the aforementioned access control and access management standards specifically reference functional classification maps within the County Comprehensive Plan which have been updated as part of this process to accurately reflect the intent of the County and appropriately coordinate with the access control and access management standards; and

**WHEREAS**, the County, in cooperation with the Fargo-Moorhead Metropolitan Council of Governments ("Metro COG"), has conducted a public hearing per Minnesota Statute §375.51 on the proposed Comprehensive Plan amendment on December 27<sup>th</sup>, 2012, thereby allowing all interested parties an opportunity to review, comment and provide feedback regarding the proposed amendment; and

**WHEREAS**, the County hereby finds and determines that the proposed Comprehensive Plan amendment is appropriate and necessary to the function and efficient operation of the County and to ensure the health, safety, morals, and general welfare of the County.

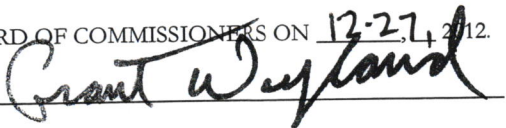
NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLAY, MINNESOTA HEREBY ORDAINS AS FOLLOWS:


**Section 1.** Adopt the updated Existing Functional Classification Network as set forth within Exhibit A to the Clay County Comprehensive Plan, to be referenced as Map 2.18. The County hereby adopts the proposed amendment, attached hereto and incorporated herein as Exhibit A.

**Section 2. Severability.** If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

**Section 3. Effective Date.** This ordinance shall become effective and be in force immediately upon final passage, consistent with Minnesota Statute §375.51.

ADOPTED BY THE CLAY COUNTY BOARD OF COMMISSIONERS ON 12-27, 2012.

  
GRANT WEYLAND, CHAIRMAN, CLAY COUNTY BOARD OF COMMISSIONERS

ATTEST:   
BRIAN BERG, CLAY COUNTY ADMINISTRATOR