

ORDINANCE NO. 2011-1

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

RECITALS

WHEREAS, the Clay County Planning and Zoning Office initiated a modification to the Clay County Land Development Ordinance as a result of legislation passed during the 2008-09 Minnesota legislative session;

WHEREAS, during that session, counties were given the authority to use "Interim Use" permits in the same way that cities and townships already had the right to do.

WHEREAS, an "Interim Use" permit is similar to a Conditional Use permit but it has a limited term that can be triggered by a specific date, an event, or some other time specific factor;

WHEREAS, Interim Use permits in lieu of conditional use permits would better meet the needs of Clay County insofar as planning and zoning is concerned;

WHEREAS, the Clay County Auditor's office initiated a request to make a change to Section 8-7-8 of the Clay County Land Development Ordinance Zoning and Subdivision Regulations entitled TRANSFER AND DIVISION OF LAND DESCRIBED BY METES AND BOUNDS.

WHEREAS, The Auditor's office has had several issues with individuals attempting to record splits of property without an appropriate survey. Some parties have tried using a "Surveyor's sketch" which is a drawing that is not certified as accurate nor is it signed by a Registered Land Surveyor. The change to Section 8-7-8 is necessary in order to clarify the need for a surveyor's certificate;

WHEREAS, the Clay County Planning Commission set a hearing relative to these issues, and following the close of that hearing made a recommendation to the County Board of Commissioners that the Ordinance be amended to allow said interim uses and clarifying the need for a survey when splitting real estate; and

WHEREAS, these amendments are consistent with the Comprehensive Plan and are adopted following a duly noticed public hearing held on January 11, 2011.

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

The Land Development Ordinance and Subdivision Regulations are hereby amended as follows:
SECTION 8-7-8 is hereby repealed and replaced in its entirety with the following language:

8-7-8: TRANSFER AND DIVISION OF LAND DESCRIBED BY METES AND BOUNDS:

- A. Survey Required for Transfer of Land Described by Metes and Bounds:** When the ownership of a parcel or tract of land is transferred by a metes and bounds description, the County Auditor shall require such parcel or tract to be surveyed and its description to be accompanied by a surveyor's certificate showing the dimensions and location of such parcel.
- B. Division by Metes and Bounds Not Allowed:** No division of land in which the divided tract is described by metes and bounds shall be permitted.
- C. Government Lot Descriptions May be Used for Transfer of Land for Agricultural Use:** A transfer of ownership

of a parcel or tract of land described by United States Government Land Survey Description may be transferred without the requirement of a survey or surveyor's certificate; however, no parcel described as an area less than ten (10) acres or an area including a reference to a measurement by feet may be transferred under this provision. In addition, the transferred parcel shall be used for agricultural purposes only. Transfers for development purposes shall comply with the subdivision provisions of this chapter.

- D. Division of Land Using Government Lot Descriptions:** The division of a parcel or tract of land described by United States Government Land Survey description shall be allowed only if in compliance with the minor or major subdivision provisions of section 8-7-13 or 8-7-14 of this Chapter.
- E. Survey Requirements Under This Section:** Surveys required under this section 8-7-8 must be made by a registered land surveyor under the laws of the state. All such surveys shall be certified by the surveyor and shall bear his registration number. Required surveys shall be filed with the Planning and Zoning Department.
- F. Recording of Deeds:** The county recorder of deeds shall not record nor file for record any deed for the transfer of ownership of any tract made in violation of this section.

BE IT FURTHER ORDAINED THAT:

That a new section is added to the Clay County Code as 8-5-6 to the CLAY COUNTY LAND DEVELOPMENT ORDINANCE: ZONING & SUBDIVISION REGULATIONS and read as follows:

8-5-6: INTERIM USE PERMITS

- A. Purpose:** To allow a use that is neither a permitted use nor a conditional use, for a limited period of time subject to conditions as set forth in this Ordinance.
- B. Conditional Uses:** The application, public hearing, public notice and procedure requirements for Interim Use Permits shall be the same as those for Conditional Use Permits as provided in the Clay County Land Development Ordinance. Any of the uses identified in Section 8-5-6-E below that are currently identified in any zoning district as a conditional use shall be changed to Interim Uses. Table 5-1 shall be amended accordingly.
- C. Standards:** The County Planning Commission shall issue such Interim Use Permits only if it finds that such use at the proposed location:
 - 1. Meets the General Review Standards of a Conditional Use Permit as set forth in the Clay County Land Development Ordinance.
 - 2. Will terminate upon a date or an event that can be identified with certainty.
 - 3. Will not impose, by agreement, additional costs on the public if it is necessary for the public to take the property in the future.
 - 4. Will be subject to, by agreement with the owner, any conditions that the County has deemed appropriate for the permission of the use, including the condition that the owner may provide an appropriate financial surety to cover the cost of removing the Interim Use and any Interim structures upon expiration of the Interim Use Permit.
- D. Termination:** An Interim Use Permit shall terminate upon the occurrence of any of the following events, whichever occurs first:
 - 1. Within 90 days of change of ownership of property, unless extended by the Planning Commission.
 - 2. The date or event stated in the permit, occurs;
 - 3. A violation of conditions under which the permit was issued;
 - 4. The use has been discontinued for a period of 12 or more consecutive months; or,
 - 5. The zoning district is amended and such a use is no longer allowed.

E. Uses that will be considered for Interim Use Permits:

1. An occasional special event or short-term use. (i.e. music concert, flea market, carnival, house storage, etc.)
2. A second dwelling on the parcel to be used by parent(s), grandparent(s), children, sibling(s) by blood, marriage, adoption, or other special relationships consistent with the purpose that meets the following standards:
 - a. Said dwelling must be a manufactured home (single or double-wide).
 - b. Dwelling must not be placed on a permanent foundation.
 - c. Dwelling must have a septic system that meets County Health requirements.
 - d. Dwelling must share a common well with the principal dwelling.
 - e. No more than one (1) additional dwelling shall be allowed on a parcel.
 - f. Parcel must be at least five (5) acres in size.
3. Meteorological towers
4. Portable concrete and asphalt mixing plants
5. Farm produce stands or farmers' markets not located on property used in the farming operation.
6. Aggregate mining and its associated operations
7. A Bed and Breakfast
8. A Home Occupation located in an accessory building
9. Temporary tire and/or waste collection and/or recycling operations
10. Yard waste composting site (community or neighborhood)
11. Kennels
12. Horse Boarding/Stables.

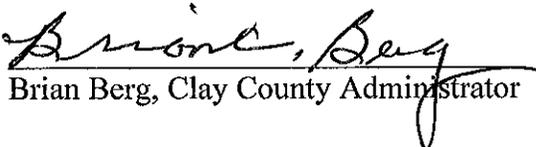
This Ordinance shall be effective upon enactment.

Adopted by the Clay County Board of Commissioners on January 11, 2011.



Jon Evert,
Chairman, Clay County Board of Commissioners

ATTEST:


Brian Berg, Clay County Administrator