

CASS COUNTY, MINNESOTA
Ordinance #2017-__

An Ordinance Amending Section 706
of the LAND USE ORDINANCE FOR CASS COUNTY, MINNESOTA

SECTION 1. Section 706 of the LAND USE ORDINANCE FOR CASS COUNTY, MINNESOTA is amended by deleting the text struck through and replacing it with the following underlined:

~~706 — LAND USE RECLASSIFICATION PROCEDURES~~

~~706.1 Land Use Reclassification Request~~

~~Land reclassifications shall be considered as a conditional use application.~~

~~706.2 Reclassification Criteria~~

~~The following criteria shall be considered by the Planning Commission when reviewing an application for reclassification:~~

~~A. General Considerations and Criteria for Land Classifications:~~

- ~~1. Preservation of natural areas;~~
- ~~2. Present ownership and development;~~
- ~~3. Soil types and their engineering capabilities;~~
- ~~4. Topographic characteristics;~~
- ~~5. Vegetative cover;~~
- ~~6. In-water physical characteristics, values, and constraints~~
- ~~7. Recreational use of the surface water;~~
- ~~8. Road and service center accessibility;~~
- ~~9. Socioeconomic development needs and plans as they involve water and related land resources;~~
- ~~10. The land requirements of industry which, by its nature, requires location in shoreland areas; and~~
- ~~11. The necessity to preserve and restore certain areas having significant historical or ecological value.~~

~~A. Factors and Criteria for Conservation Developments:~~

- ~~1. Existing recreational use of the surface waters and likely increases in use associated with conservation developments;~~

- ~~2. Physical and aesthetic impacts of increased density;~~
- ~~3. Suitability of lands for the conservation development approach;~~
- ~~4. Level of current development in the area; and~~
- ~~5. Amounts and types of ownership of undeveloped lands.~~

~~706.3 Initiation of Request~~

~~Land use reclassification requests and amendments to land use district boundaries may be initiated by petition by the owner of the property in question, recommendation of the Planning Commission, or by action of the County Board.~~

~~All applications for changes in the boundaries of any zoning district which are initiated by a petition of the owner or owners of the property, the zoning of which is proposed to be changed, shall be accompanied by a map or plat showing the lands within ½ (one half) mile of the boundaries of the property proposed to be rezoned together with the name and addresses of the owners of the lands in such areas, as the name appears on the records of Cass County.~~

~~706.4 Notice of Hearing~~

~~The Planning Commission shall hold at least 1(one) public hearing on the proposed land use reclassification request within 30 (thirty) days after the request for land use reclassification has been received. The following procedures shall be followed:~~

~~A. Written notice of time, place and purpose of the public hearing shall be published in the official newspaper designated by the Board and sent to owners of record within ½ (one half) mile of the affected property at least 10 (ten) days prior to the date upon which the application will be considered. This distance shall be extended to insure that a minimum of 10 (ten) property owners are so notified. In addition, notice shall be sent to adjoining counties, incorporated municipalities, or townships within the proposed district change. ESD shall refer the application to the PC. Failure of any property owner to receive such notification shall not invalidate the proceedings.~~

~~706.5 Re-submission of Previously Denied Petitions~~

~~No petition by a property owner for land use reclassification shall be approved by the PC within 1 (one) year following the date of denial of a prior application~~

~~unless such request is warranted by new evidence or a change of circumstances as determined by the PC.~~

706 LAND USE RECLASSIFICATION

706.1 Initiation of Request

Land use reclassification requests and amendments to land use district boundaries may be initiated by the owner of the property in question, ESD, the Planning Commission, or the County Board.

706.2 Procedure

Requests for reclassification shall be filed with ESD on an official application form. Upon receipt of the complete application and all supporting information, ESD shall refer said application, along with all related information, to the Planning Commission for consideration.

All applications for changes in the boundaries of any zoning district which are initiated by a petition of the owner or owners of the property, the zoning of which is proposed to be changed, shall be accompanied by a map or plat showing the lands within one-half mile of the boundaries of the property proposed to be rezoned together with the name and addresses of the owners of the lands in such areas, as the name appears on the records of Cass County.

ESD or the Planning Commission shall have the authority to request additional information from the applicant or to retain expert testimony with the consent and at the expense of the applicant if said information is declared to be necessary by the Planning Commission or County Board in reviewing the request.

706.3 Notice of Hearing

The Planning Commission shall hold at least one public hearing on the proposed land use reclassification request within 30 days after the request for land use reclassification has been received.

Written notice of time, place and purpose of the public hearing shall be published in the official newspaper designated by the Board and sent to owners of record within one-half mile of the affected property at least 10 days prior to the date upon which the application will be considered. This distance shall be extended to insure that a minimum of 10 property owners are so notified. In addition, notice shall be sent to adjoining counties, incorporated municipalities, or townships within the proposed district change.

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.

706.4 Reclassification Criteria

The following criteria shall be considered by the Planning Commission when reviewing an application for reclassification:

A. General Considerations and Criteria for Land Classifications:

1. Preservation of natural areas;
2. Present ownership and development;
3. Soil types and their engineering capabilities;
4. Topographic characteristics;
5. Vegetative cover;
6. In-water physical characteristics, values, and constraints;
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9. Socioeconomic development needs and plans as they involve water and related land resources;
10. The land requirements of industry which, by its nature, requires location in shoreland areas; and,
11. The necessity to preserve and restore certain areas having significant historical or ecological value.

B. Factors and Criteria for Conservation Developments:

1. Existing recreational use of the surface waters and likely increases in use associated with conservation developments;
2. Physical and aesthetic impacts of increased density;
3. Suitability of lands for the conservation development approach;
4. Level of current development in the area; and,
5. Amounts and types of ownership of undeveloped lands.

706.5 Planning Commission Recommendation

Upon conclusion of the public hearing, the Planning Commission shall make findings of fact and recommend such actions or conditions relating to the request to the County Board.

706.6 County Board Action

Upon receiving the report and recommendation of the Planning Commission, the County Board shall approve, modify, or deny the request and state the findings of its action. Approval of a request shall require passage by a majority vote of the County Board.

706.7 Judicial Review

Any aggrieved person or persons, or any department, board or commission of the jurisdiction, or of the state shall have the right to appeal the decision of the County Board to the District Court on questions of law and fact. Said appeal shall be made within 30 days after receipt of notice of the decision.