SECTION 3 — AGRICULTURAL PRESERVATION DISTRICT
AMENDED: JULY 25, 2000
       JUNE 19, 2001
       JANUARY 22, 2002

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SECTION 3 — AGRICULTURAL PRESERVATION DISTRICT
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3.1. Subdivision 1 — District's Boundaries

All lands that are not classified in accordance with Section 4 and Section 5 of this ordinance shall lie within the Agricultural Preservation District. The Agricultural Preservation District is divided into two separate districts: the A-1 Agricultural Preservation District and the A-2 Agricultural Preservation District. The A-1 Agricultural Preservation District is illustrated by Official Ordinance Map #1. The A-2 Agricultural Preservation District is illustrated by Official Ordinance Map #2. The A-1 Agricultural Preservation District contains lands which are predominately of Soil Conservation Service Classes I, II, and III soils. The A-2 Agricultural Preservation District contains lands which are predominately of Soil Conservation Service Classes IV, V, VI, VII, and VIII soils.

3.2. Subdivision 2 — Permitted and Conditional Uses

The chart below indicates the permitted and conditional uses allowed within each Agricultural Preservation District. The letter "P" indicates a permitted use. The letter "C" indicates a conditional use. A use which is not listed is not allowed. A use which is listed but is not followed with a "P" or a "C" is not allowed. Definitions of the types of land uses follow the chart and are in addition to definitions in Section 1, Subdivision 9. Where a conflict in definitions appears to exist, the definition following the chart shall be controlling.

<table>
<thead>
<tr>
<th>TYPE OF LAND USE</th>
<th>A-1 DISTRICT</th>
<th>A-2 DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Feedlots</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Agriculture Uses</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Open Space and Recreational Uses</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Non-Farm Dwellings</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Roads</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Airports</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Special Public Uses</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Industrial &amp; Industrial Storage Uses</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Commercial Uses</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Extractive Uses</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Soil and Water Conservation Structures</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Animal Feedlots (See Chippewa County Animal Feedlot Ordinance)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Home Occupations</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Non-Farm Dwelling on Abandoned Farmstead</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

(SEE SUBDIVISION 3.3. FOR STANDARDS)
Accessory Uses — any incidental machinery, structure, or building necessary to the conduct of agricultural operations or other permitted uses.

Agricultural Uses — means the use of land for the production of food or fiber, their storage on the area, and/or the raising thereon of domestic pets and domestic farm animals, including farm dwellings and agricultural buildings.

Open Space and Recreational Uses — include public and private parks and recreation areas, multipurpose trail systems, environmental and education sites, historic sites, and interpretive centers.

Non-Farm Dwellings — are dwellings located on a parcel of land contiguous to or surrounded by farm land which is under separate ownership and whose occupants do not derive their predominant income from agricultural activities on the farm.

Roads — consist of either paved or gravel surfaces maintained with federal, state, and/or local funds built on new alignment.

Airports — consist of both public and privately owned facilities.

Special Public Uses — include municipal sewer and water facilities, sanitary landfill sites (either privately or publicly owned), churches, cemeteries, electrical power substations and similar public uses, but not public or parochial schools, libraries, nursing homes, hospitals, or municipal buildings.

Industrial Storage Uses — include facilities used for the collective storage of agricultural or non-agricultural related products, such as grain and fertilizer bins or beet piles, and the storage of energy-related products, such as propane and natural gas.

Commercial Uses — include gasoline stations, beauty shops, dog kennels, salvage yards, and similar uses provided they meet the minimum standards of this ordinance.

Extractive Uses — include the activities related to the extraction of minerals.

Soil and Water Conservation Structures — include water reservoirs, windbreaks, and other measures which conform with the management practices encouraged by the Soil Conservation Service, Agricultural Stabilization Conservation Service, Soil and Water Conservation Service, and other agencies for the protection of farmland against erosion and public waters from degradation by sedimentation.

Animal Feedlot — is a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered to be animal feedlots.

Commercial Feedlot — shall mean the place of confined feeding of more than one thousand (1,000) slaughter steers or heifers or animal units for food, fur, pleasure, or resale purposes in yards, lots, pens, buildings, or other areas not normally used for pasture or crops and in which substantial amounts of manure or related wastes may originate by reason of such feeding of animals. The "Animal Unit" is a unit of measure used to compare differences in the production of animal manures. This measure uses as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. For purposes of determining animal units, the following equivalents shall apply:
<table>
<thead>
<tr>
<th>ANIMAL</th>
<th>ANIMAL UNITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>One mature dairy cow</td>
<td>1.4</td>
</tr>
<tr>
<td>One slaughter steer or heifer</td>
<td>1.0</td>
</tr>
<tr>
<td>One horse</td>
<td>1.0</td>
</tr>
<tr>
<td>One swine over 55 pounds</td>
<td>.4</td>
</tr>
<tr>
<td>One duck</td>
<td>.2</td>
</tr>
<tr>
<td>One sheep</td>
<td>.1</td>
</tr>
<tr>
<td>One swine under 55 pounds</td>
<td>.05</td>
</tr>
<tr>
<td>One turkey</td>
<td>.018</td>
</tr>
<tr>
<td>One chicken</td>
<td>.01</td>
</tr>
</tbody>
</table>

For animals not listed, the number of animal units shall be defined as the average weight of the animal divided by 1,000 pounds.

**Home Occupations** — include any occupation of a service character which is clearly secondary to the main use of the premises as a dwelling and does not change the character thereof or have any exterior evidence of such secondary use.

**Abandoned Farmstead** — is a farmstead that has not been occupied for a period of time; yet clear evidence, such as buildings and windbreaks, remains that a farm dwelling once existed here.

### 3.3. Subdivision 3 — Standards for Permitted and Conditional Uses

The standards listed below shall be enforced for the permitted and conditional uses to which they relate.

3.3.1. All farm and non-farm buildings and accessory structures within the Agricultural Preservation District shall be set back from all state, county, township roads, and all other public roads at least seventy-five (75) feet from the right-of-way. Field windbreaks, homestead groves, implement storage, and hay bales must also comply with these standards.

3.3.1.1. Field windbreaks and homestead groves may be placed closer than 75 feet from the road right-of-way when the appropriate road authority gives written consent. A waiver form shall be provided to verify consent. It shall be the applicant’s responsibility to have the waiver form executed.

3.3.2. Sanitary landfill sites shall conform with the regulations of the Minnesota Pollution Control Agency and the county solid waste plan.

3.3.3. A conditional use permit may be allowed on any soil class provided the proposed use is directly related to, or promotes, agriculture in Chippewa County.

3.3.4. A conditional use permit may be allowed where the proposed use will not take prime agricultural land out of production (i.e., existing farm sites).

3.3.5. A use permit may be granted for a non-farm dwelling within the Agricultural Preservation District provided it is located on an abandoned farmstead.
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3.3.6. A dwelling owned or occupied by a retired or retiring farm family located on the farm owned or previously owned by the retiring farm family for the purpose of this ordinance shall be classified as a farm dwelling. Lot area requirements shall be one (1) acre minimum except in the Minnesota River District and Shoreland Districts, where the respective lot size requirements shall apply.

3.3.7. All setbacks for animal feedlots shall comply with the Chippewa County Animal Feedlot Ordinance.

3.3.8. Animal feedlots shall conform with the minimum standards set by the Chippewa County Animal Feedlot Ordinance and Minnesota Pollution Control Agency.

3.4. Subdivision 4 — Height, Side Yard, Rear Yard, Lot Width, Lot Area Regulations

3.4.1. Height Regulation — No building shall hereafter be erected or structurally altered to exceed thirty-five (35) feet in height with the exception of farm structures.

3.4.2. Side Yard Regulation — A thirty (30) foot side yard setback shall be required.

3.4.3. Rear Yard Regulation — A thirty (30) foot rear yard setback shall be required.

3.4.4. Lot Width Regulation — Every lot shall have a width of not less than one hundred (100) feet abutting a public right-of-way.

3.4.5. Lot Area Regulation — The lot for non-farm dwellings shall consist of at least three (3) acres of land per site.

EXCEPTION: Existing building sites may be less than three (3) acres if approved by the zoning administrator.

3.4.6. No non-farm dwelling shall be erected within three-fourths (¾) mile of an existing animal feedlot, unless it replaces an existing dwelling or is located on an abandoned farmstead.

3.5 Subdivision 5 — Existing Uses and Accessory Structures

3.5.1. Amended Conditional Use Permit

3.5.1.1. This ordinance recognizes that at the time of adoption, certain land uses exist which have been incorporated as "conditional uses." It is the intent of this ordinance to allow these existing conditional uses, some of them being businesses in the Agricultural Preservation District, to continue in their activity of the same general character that existed at the time of adoption.

3.5.1.2. An amended or new conditional use permit is only required if the new or expanded use would:

3.5.1.2.1. Substantially vary in character of type of business and activity from that existing at the time of adoption.

3.5.1.2.2. Necessitate the purchase or utilization of additional land which at the time of adoption is of a different land use or not in close proximity to the existing use.

3.5.1.2.3. Not meet the standards in Section 2, 2.5., 2.5.5.

The planning commission may, at the motion of any member, decide if such a new or amended permit is needed. The commission may hear such evidence at a regular meeting as appears proper with such notice as appears appropriate. This ordinance expressly recognizes that the existing uses which have been incorporated with a conditional use permit shall be allowed to continue. The commission may also consider the criteria governing the granting of all future conditional use permits, but shall be mindful of the goal...
to allow expansion of the same general character of all existing uses without a new or amended permit.

If the intended new or expanded use is substantially the same in character as the use at the time of the ordinance adoption, the new or expanded use shall be permitted provided it meets the standards in Section 2, 2.5., 2.5.5.

If the new use involves substantial change or land purchase, the conditional use permit shall be amended.

Accessory structures shall be permitted.