

INTERIM USE PERMIT APPLICATION GUIDE

Chisago County Department of Environmental Services

313 No. Main St. #240
Center City, MN
55012

Contact the Land Services Coordinator at 651-213-8370

Dear Interim Use Permit Applicant,

Please find attached an excerpt from the Chisago County Zoning Ordinance governing Interim Use Permits (IUPs) within the County. The category of "Interim Use Permit" covers several specific types of lands uses, most commonly, home occupations, dog kennels, and mineral extraction. By definition, an IUP is a temporary land use which will terminate at some future time, most often triggered by an event (i.e. sale of the property), but termination may also be triggered by a specific date, or a change in Zoning regulations. An IUP is a land use considered to be basically compatible with the Zoning district within which it is located, but requiring specific performance

conditions to be attached to it. Such conditions are meant to lessen potential land use conflicts, and to ensure the property remains compatible with the surrounding community. Typical conditions on these permits would regulate days and hours of operation, expected traffic, screening, and/or other potential impacts to the neighborhood and perhaps stipulate financial surety guaranteeing reclamation or restoration of the property when the use terminates.

The IUP category is fairly narrow, covering only a few specific land uses. Because of the varying nature of the uses within this category, the uses are broken down into three types of IUP: Home Occupation, Minor Commercial Use and Major Commercial Use. The following is a sliding fee scale which depends upon the category of the application:

Home Occupation.....	500.00
Minor Commercial.....	525.00
Major Commercial.....	1,025.00

The fee is a one-time-only public hearing fee, which is collected from each applicant to offset the cost of holding a public hearing on the applicant's request. There are no further fees, but the IUP operator is required to notify the County annually that he is continuing to operate the IUP as permitted.

Some uses are more complicated than others, and require overlapping state or federal jurisdictional review by other agencies such as the Department of Natural Resources, the Department of Transportation, the National Park Service, Federal Aviation Administration and so on. We will notify the relevant agencies as necessary, and advise you of any additional contacts you must make.

To accompany your application, we require that you submit detailed supporting information. Please use the attached ordinance excerpt as a checklist. If yours is a simple application, many of the items on the checklist will not apply to you, so simply write "not applicable" if that is the case. However, it may happen that other issues will be identified that will require a response from you.

Essentially, your application should include a detailed narrative description of your intended operation, in addition to a detailed site plan. The narrative should include such things as days and hours of operation, expected traffic flow, provision for parking, number of employees, amount and type of waste you will generate, a plan for waste disposal, projected impact to neighborhood, machinery used, if any, amount of noise

generated by your business, and any impact-mitigating efforts you intend to implement. Please also include any other relevant information not asked for in the checklist that may apply to your business. Please contact our office if you need additional assistance.

Section 8.05 Interim Use Permits

8.05 Interim Use Permits (IUP) An Interim Use Permit is required for all interim uses listed in this Ordinance. A. Procedure

A request for an Interim Use Permit (IUP), as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. The application shall also be accompanied by ten (10) copies of detailed written and graphic materials fully explaining the proposed use. The Zoning Administrator shall refer all complete applications along with all related information, to the Planning Commission for consideration. The submittals may include the following:

1. Site plan drawn at scale showing parcel and building dimensions.
2. Location of all buildings and their square footage.
3. Curb cuts, driveways, access roads, parking spaces and off-street loading areas.
4. Existing topography.
5. Finished grading and drainage plan.
6. Type of business or activity and proposed number of employees.
7. Proposed floor plan of any building and use indicated.
8. Sanitary sewer and water plan with estimated use per day.
9. Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitation shall be made part of the permit application.
10. A location map showing the general location of the proposed use within the County.
11. A map showing all principal land use within 350 feet of the parcel for which application is being made.
12. Any other information deemed necessary by the Zoning Administrator or Planning Commission.

B. Upon receipt of the complete application and all required supporting information, the Zoning Administrator shall make notice for a public hearing to be held by the Planning Commission. Notice of such hearing shall be published in the official newspaper of the County at least ten (10) days prior to the date of the hearing. Written notice of public hearing for interim uses shall be sent to the governing bodies of the affected township and any municipality located within two (2) miles of the affected property. Written notice shall also be sent to all property owners of record within five hundred (500) feet of the affected property in incorporated areas and to property owners within one-quarter (1/4) mile of the affected property or the nearest ten (10) properties in unincorporated areas, whichever would provide notice to the greatest number of owners. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested to by the Zoning Administrator and made part of official record. 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.

C. The Planning Commission shall consider possible effects of the proposed interim use based upon (but not limited to) the following general factors and any other requirements set forth in this Ordinance or deemed otherwise relevant:

1. The Comprehensive Plan and development policies of the County;
2. Whether the use will create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area;
3. Whether the use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development does not suffer undue negative impact and there will be no significant deterrence to future development;
4. Whether the structure and site will have an appearance that will have an adverse effect upon adjacent properties;
5. Whether the use in the opinion of the County is reasonably related to the overall land use goals of the County and to the existing land use;

6. Whether the use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;

7. Whether the use will cause traffic hazard or congestion; and
8. Whether existing nearby properties will be adversely affected by intrusion of noise, glare or general unsightliness.

D. The Planning Commission, Zoning Administrator, and County Board shall have the authority to request additional information from the applicant and/or to retain an independent consultant at the expense of the applicant if such information or independent review and advice is deemed necessary by the County to adequately protect the public interest during its review of the request and the establishment of any performance conditions pursuant to this Ordinance.

E. Pursuant to the timelines prescribed in Minnesota Statutes, the Planning Commission shall make a recommendation to the County Board, which may include findings of fact, actions, or conditions relating to the application. The County may impose such additional restrictions or conditions deemed necessary to protect the public interest. These conditions may include the following:

1. Matters relating to the architecture or appearance;
2. Establishing hours of operation;
3. Increasing the required lot size or yard dimension;
4. Limiting the height, size or location of buildings or other structures or facilities, including requiring the underground placement of essential services or transmission or distribution lines;
5. Controlling the location and number of vehicle access points;
6. Increasing the street width;
7. Increasing the number of required off-street parking spaces;
8. Limiting the number, size, location or lighting of signs;
9. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property. When appropriate, restrictive covenants may be entered into regarding such matters;
10. Designating sites for open space;
11. In the case of a business, the number of employees reporting to the site, and the length of time spent on the premises;
12. Appropriate mitigation measures;
13. Termination of the use by a date certain, or an event.
14. Financial surety guaranteeing removal of any residual infrastructure, construction, or other type of development or improvement not removed upon termination of the interim use;
15. Any other information deemed necessary by the Zoning Administrator or Planning Commission.

F. Within sixty (60) days (or as otherwise allowed pursuant to Minnesota Statutes) of receipt of a complete planning application, the County Board shall approve, modify or deny the request and state the findings of its actions. Approval or denial of an IUP shall require passage by majority vote of the County Board. The Zoning Administrator shall notify the applicant of the County Board's action.

G. Reapplication/Lapse of Interim Use Permit.

Reapplication for the same or substantially same IUP shall not be accepted within six (6) months of denial by the Board. Any IUP approved but not utilized within twelve (12) months of the date of approval shall be null and void. The County Board may reissue a terminated Interim Use Permit upon receipt of proper reapplication and fee by the applicant, should a change in the circumstances which had triggered the termination warrant it.

H. Amended Interim use Permit.

Any change involving structural alterations, enlargement, intensification or expansion of use, or change not specifically permitted by the interim use permit issued shall require an amended interim use permit and all procedures and fees shall apply as if a new permit were being issued.

I. Surety.

The County Board shall have the authority to require a letter of credit, cash or other security when it is deemed necessary and appropriate, which may guarantee compliance with conditions on the IUP, or which may be used to

remove residual infrastructure, construction, or other type of development not removed upon termination of the interim use;

J. Annual Certification.

Annual certification of all interim use permits is required. The purpose of the annual certification is to maintain an updated listing of active interim uses in the County, for the permit holder to verify compliance with conditions, and to commence revocation procedures for any permits where the activity has ceased. Permit holders must complete and return certification forms provided by the County. Failure to maintain certification may be a basis to revoke the interim use permit.

K. Violations of the Conditions.

Violation of the conditions set by the County Board on the Interim use Permit shall constitute grounds for the revocation of the IUP. Violating the conditions set in the IUP shall make the use, activity, business, or operation, non-complying and a use which is in violation Section 4.01 D of Ordinance. If an Interim use Permit holder gave false or misleading information in the material submitted in the application process, it shall be considered a violation of the conditions.

L. Surrender/Revocation of Interim use Permit.

1. Prior to the date, event or change in Ordinance which triggers its termination, any person, corporation, or other entity may surrender an Interim use Permit and the property rights associated with said IUP on the land they own or to which it was issued at a public hearing before the County Board by request made to the Zoning Administrator, and forwarded to the County Board for action.

2. An Interim use Permit may be revoked for violation of any provisions of this Ordinance, violations of the conditions of the IUP, or violation of other laws as applicable. An IUP may be revoked if the use has been abandoned, terminated, or otherwise ended. If the Zoning Administrator finds that probable cause exists to revoke an IUP, a request for such action shall be made to the County Board. A date shall be set at a regular County Board meeting for a hearing on the matter. The Zoning Administrator shall notify the Permittee, and other interested parties of the date of the hearing and state the nature of the alleged violations and/or reason(s) for revocation.

3. At the scheduled hearing before the Board, the Zoning Administrator shall show cause why the IUP should be revoked, presenting such evidence and testimony as necessary. The person(s) holding the IUP or their representative(s) may cross examine witness and rebut evidence presented by the Zoning Administrator, and present evidence and or testimony to demonstrate why the IUP should not be revoked. The Zoning Administrator may cross examine witnesses and rebut evidence presented. By supermajority vote of the County Board, the IUP shall be revoked or retained, with the Board stating the findings for its actions.

4. If the Board decides to revoke the permit, the revocation shall be effective upon delivery of written notice to the Interim Use Permit holder, or upon posting the notice at the premises for which the IUP was issued. Said notice shall also be recorded with the County Recorder/Registrar of Title. Decisions of the County Board may be appealed to the Minnesota Court of Appeals.