



East Bethel Community Development
 2241 221st Ave. NE • East Bethel, MN 55011
 Phone: (763) 367-7844 • Fax: (763) 434-9578

CONDITIONAL USE PERMIT (CUP)

APPLICANT IS REQUIRED TO MEET WITH CITY STAFF **PRIOR** TO SUBMITTAL OF THIS APPLICATION

APPLICATION FEE: \$500 ESCROW: \$500* FILING FEE: \$55

*ALTERNATE APPLICATION FEE: AMENDMENT: \$300 + ESCROW + FILING FEE

SELECT ONE: NEW AMENDMENT

*CONSULTING FEES ACCRUED FROM THE CITY ENGINEER, CITY ATTORNEY, ETC WILL BE TAKEN FROM THE ESCROW AMOUNT. THE REMAINING ESCROW WILL BE REFUNDED AFTER THE PROJECT IS FINISHED AND HAS MET ALL OF THE CONDITIONS DURING FINAL INSPECTION. THE APPLICATION FEE IS NON-REFUNDABLE.

NAME OF PROJECT (IF APPLICABLE): _____

PROJECT ADDRESS: _____ PRESENT ZONING: _____

LOCATION PID: _____ LOT: _____ BLOCK: _____ SUBDIVISION: _____

DESCRIPTION OF PROJECT: _____

PROPERTY OWNER:

NAME: _____
 PHONE: _____
 ADDRESS: _____
 CITY/STATE/ZIP: _____
 EMAIL: _____

APPLICANT:

SAME AS PROPERTY OWNER

NAME: _____
 PHONE: _____
 ADDRESS: _____
 CITY/STATE/ZIP: _____
 EMAIL: _____

I FULLY UNDERSTAND THAT I MUST MEET WITH CITY STAFF TO REVIEW ALL SUBMISSION REQUIREMENTS AND CONDITIONS PRIOR TO OFFICIAL SUBMISSION, AND THAT ALL OF THE REQUIRED INFORMATION MUST BE SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE PLANNING/ZONING COMMISSION AND CITY COUNCIL SCHEDULED MEETING DATES TO ENSURE REVIEW BY CITY STAFF.

 PROPERTY OWNER SIGNATURE

 DATE

 APPLICANT SIGNATURE

 DATE

OFFICE USE ONLY

DATE SUBMITTED: _____

60 DAYS: _____

TOTAL FEE PAID: _____

120 DAYS: _____

ESCROW APPLICATION SUBMITTED: _____

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APPENDIX A, SECTION 4 – CONDITIONAL OR INTERIM USE PERMITS



A. Purpose.

The purpose of a conditional use permit (CUP) and an interim use permit (IUP) is to authorize and regulate uses that are permitted by this chapter if certain conditions, having been designated by this chapter or by the city council, are met. The use shall comply with all standards of this chapter and any additional conditions, including conditions of operation, location, arrangement, and construction, as may be necessary to protect public health, safety, or welfare.

B. Application.

Application for a CUP or IUP shall be made to the city on an official city application form. An application for a CUP or IUP shall be accompanied by a fee as set forth by the city council. Such application shall also include written and graphic materials fully explaining the proposed change, development, or use. The city may require that the applicant submit the following information before the application can be deemed complete:

- 1) Legal description of the subject property;
- 2) Evidence of ownership or an interest in the property;
- 3) General location map;
- 4) Principal land uses within 350 feet of the property;
- 5) Certificate of survey, to scale, showing applicable existing and proposed conditions including property lines and dimensions, building location and setbacks, dimensions of building, curb cuts, driveways, access roads, parking, off-street loading areas, septic system, and well;
- 6) Landscape plan drawn to scale showing applicable existing and proposed vegetation and plantings, plant schedule including information about the plant size, quantity, type and root condition, and groundcover;
- 7) Grading and drainage plan;
- 8) Soil conditions;
- 9) Building floor plans, elevations, and sections;
- 10) Description of type of business or activity and proposed number of employees; and
- 11) Other information as may be required by the city.

C. Notice.

- 1) Pursuant to Minnesota Statutes, an application for a CUP or IUP shall be approved or denied within 60 days from the date of its official and complete submission. The 60 day review period can be extended an additional 60 days pursuant to Minn. Stats. § 15.99. If the initial 60 day review period is extended, the city must provide written notice of the extension to the applicant before the end of the initial review period.
- 2) Upon receipt of a complete application, as determined by the city and following preliminary staff analyses of the application, the city, when appropriate, shall set a public hearing following proper hearing notification. Notice of the hearing shall be published in the official newspaper at least ten days prior to the hearing. Written notification of said hearing shall be mailed at least ten days prior to all owners of land within 350 feet of the boundary of the property in question in all business districts and in the R-1 and R-2 districts. A notice shall be sent to all owners of land within 1,250 feet of the boundary of the property in question in the RR district.
- 3) Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this chapter provided a bona fide attempt to comply with the provisions of this chapter has been made. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be made a part of the record.

D. Procedure.

- 1) The planning commission shall consider if the proposed use is consistent with the general purpose and intent of this chapter and the comprehensive plan. Its judgment shall be based upon, but not limited to, the following:
 - a) The impact of the proposed use on the health, safety, and general welfare of the occupants of the surrounding lands;
 - b) Existing and anticipated traffic conditions, including parking facilities on adjacent streets and lands;

- c) The effect of the proposed use on public utilities;
 - d) The effect of the proposed use on property values;
 - e) The effect of the proposed use on the comprehensive plan;
 - f) The ability of the proposed use to meet the standards of this chapter;
 - g) The results of a market feasibility study, if requested by the city, when the purpose for which the conditional use is being requested relies on a business market for its success;
 - h) The effects of the proposed use on groundwater, surface water, and air quality;
 - i) The proposed use is allowed with a CUP or IUP in the zoning district in which it is proposed; and
 - j) The effect of the proposed use on natural resources.
- 2) The planning commission, city council, and city staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the consent of the applicant.
 - 3) The applicant or the applicant's representative may appear before the planning commission and city council in order to present information and answer questions concerning the proposed request.
 - 4) The planning commission shall make findings of fact and make a recommendation on such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this chapter. Such recommendation shall be in writing and accompanied by the report and recommendation of the city staff.
 - 5) The city council shall not grant a CUP or IUP until it has received a report and a recommendation from the planning commission and the community development department, or until 60 days after the first regular planning commission meeting at which the request was considered except as may be limited by Minn. Stats. § 15.99.
 - 6) Upon receiving the recommendation of the planning commission, the community development department shall schedule the application for consideration by the city council. Such reports and recommendations shall be entered in and made a part of the permanent record of the city council meeting.
 - 7) In connection with the issuance of CUPs and IUPs in nonconforming situations, the city council may require nonconformities to conform to the regulations contained in the zoning regulations and may impose such additional restrictions or conditions as it deems necessary to protect the public interest. When appropriate, restrictive covenants may be imposed regarding such matters.
 - 8) The city council may impose and the applicant shall pay costs incurred by the city for monitoring compliance with the conditions of the CUP or IUP.
 - 9) Approval of a request shall require passage by a majority vote of the entire city council.

E. Certification of taxes paid.

Prior to approving an application for a CUP or IUP, the applicant shall provide certification to the city that there are no delinquent property taxes, special assessments, interest, or city utility fees due upon the parcel of land to which the CUP or IUP application relates.

F. Length of conditional use and interim use.

Any use permitted under the terms of any CUP or IUP shall be established and conducted in conformity with the terms of such permit and of any conditions imposed in connection therewith. CUPs shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this chapter shall prevent the city council from acting or amending official controls to change the status of conditional uses. IUPs shall remain in effect for as long as stated in city council approved conditions.

G. Revocation.

- 1) A violation of any condition set forth in a CUP or IUP shall be a violation of this chapter, and failure to correct said violation within 30 days of written notice of the violation from the city may result in revocation of the permit. The city council may grant an extension of up to 60 days to correct the violation(s).
- 2) Revocation shall not occur earlier than ten city business days from the time the written notice of revocation is served upon the permittee or, if a hearing is requested, until written notice of the city council action has been served on the permittee.

3) Notice to the permittee shall be served personally or by registered or certified mail at the address designated in the permit application. Such written notice of revocation shall contain:

a) The effective date of the revocation;

b) The nature of the violation(s) constituting the basis of the revocation;

c) The facts which support the conclusion that a violation(s) have occurred, and:

d) Notice that the permittee may appeal the revocation by filing a written request for a hearing with the city administrator within ten city business days following the date of service.

4) The written hearing request shall be in writing stating the grounds for appeal and served personally or by registered or certified mail on the City of East Bethel by midnight of the tenth city business day following the date of service.

5) Following the receipt of a request for a hearing, the city shall set a time and place for the hearing which shall be conducted in accordance with the procedures to appeal decisions of the city as set forth in this chapter.

6) The permittee must satisfy the conditions of the CUP or IUP approved by the city council within 60 days. Unless the permittee requests and receives from the city council an extension of time, failure to satisfy the conditions within 60 days will render the permit void.

H. Records of CUPs and IUPs.

A certified copy of any CUP or IUP shall be filed with the Anoka County Recorder or Registrar of Titles. The city shall maintain a record of all CUPs and IUPs issued including information on the use, location, conditions imposed by the city council, time limits, review dates, and such other information as may be appropriate.

I. Amendment.

Holders of a CUP or IUP may propose amendments to the permit at any time following the procedures for a new permit set forth in this chapter. No significant changes in the circumstances or the scope of the permitted uses shall be undertaken without approval of those amendments by the city council. The city shall determine what constitutes significant change. Significant changes include, but are not limited to, hours of operation, number of employees, expansion of structures and/or premises, and operational modifications resulting in increased external activities and traffic, and the like. The planning commission may recommend and the city council may approve significant changes and modifications to CUPs or IUPs, including the application of additional or revised conditions.

J. Expiration.

Any CUPs granted by the city shall "run" with the land and shall be perpetual unless violation of conditions has occurred and city council has taken action for the revocation of the CUP. Unless the city council specifically approves a different time when action is officially taken on the request, IUPs which have been issued under the provisions of this chapter shall expire without further action by the planning commission or city council unless the applicant commences the authorized uses within three years of the date the IUP is issued.

K. Reapplication.

No application for a CUP or IUP for a particular use on a particular parcel shall be resubmitted for a period of one year from the date of the denial of the previous application unless a decision to reconsider such matter is made by a majority vote of the full city council.

(Ord. No. 19, Second Series, 5-5-2010)

Land Use Escrow Application

Property Address: _____

Owner's Name: _____ Phone: _____

Email: _____

Type of Land Use Application: _____

| Person/Company paying the escrow | Person/Company receiving returned escrow (if different from the person/company paying the escrow than permission is needed) |
|--------------------------------------|--|
| Name: _____ | Name: _____ |
| Phone: _____ | Phone: _____ |
| Email: _____ | Phone: _____ |
| Mailing Address: _____ _____ | Address: _____ _____ |
| Amount entered into escrow: \$ _____ | Email: _____ |

| | Type of Land Use Application | Escrow Amount |
|--|--|-----------------------------------|
| | Tax Increment Financing | \$12,000 |
| | Preliminary Plat | \$5,000 |
| | Major Mining Permit | \$1,500 |
| | Admin. Subdivision, Comp Plan Amendment, Metes and Bounds Split, Minor Mining Permit, Site Plan Review, Vacation, Zoning Map Amendment | \$1,000 |
| | Final Plat | \$1,000 + \$50/Lot if new road |
| | Environmental Review | \$650 |
| | Concept Plan Review, Conditional Use Permit, Conditional Use Permit Amendment, Grading Permit, Planned Unit Development Amendment, Variance, Zoning Text Amendment | \$500 |
| | Interim Use Permit/Amendment | \$300 |

Escrow Information

Escrow is set aside for attorney, consulting, engineering, and other misc. fees. If the City of East Bethel is to acquire these fees while working on your Land Use Application, than you are authorizing the City to use this escrow to pay for those fees. The remaining escrow amount will be returned once the work has been approved by the Building and/or Community Development Director.

Escrow Payer Signature: _____ Date: _____

Community Development Staff: _____ Date: _____

East Bethel Community Development

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Application Deadlines for 2020

Planning staff has ten (10) business days to deem an application complete. The submittal dates pertain to applications deemed complete by Planning staff. These dates do not pertain to Subdivisions applications.

| Application Deadline To be submitted by 4pm (30 days prior to PC meeting) | Planning Commission Meeting |
|--|------------------------------------|
| Friday, December 27, 2019 | January 28, 2020 |
| Monday, January 27, 2020 | February 26, 2020 |
| Friday, February 21, 2020 | March 24, 2020 |
| Friday, March 27, 2020 | April 28, 2020 |
| Friday, April 24, 2020 | May 26, 2020 |
| Friday, May 22, 2020 | June 23, 2020 |
| Friday, June 26, 2020 | July 28, 2020 |
| Friday, July 24, 2020 | August 25, 2020 |
| Friday, August 21, 2020 | September 22, 2020 |
| Friday, September 25, 2020 | October 27, 2020 |
| Friday, October 23, 2020 | November 24, 2020 |
| Friday, November 20, 2020 | December 22, 2020 |

Planning Commission meetings are held on the 4th Tuesday of the month, unless a holiday falls on that day.

City Council meetings are held on the 2nd and 4th Mondays of the month, unless a holiday falls on that day.

Changes to meeting dates will be posted on the East Bethel City website.

CONTACT LISTS FOR REVIEW OF DEVELOPMENT PROJECT

If the box is checked, you must provide a letter of approval, copy of minutes, or other documentation as it relates to your project to the City of East Bethel Planning/Building Department as part of your application for submittal.

CITY

- City Attorney**
Eckberg Lammers
1809 Northwestern Ave. S.
Stillwater, MN 55082
(651) 967-7344
www.eckberglammers.com/

- City Engineer**
Hakanson Anderson
Attn: Craig Jochum
3601 Thurston Ave.
Anoka, MN 55303
763-427-5860
www.haa-inc.com/

HIGHWAY/TRANSPORTATION

- Traffic Engineering Manager**
Anoka County Highway Department
1440 Bunker Lake Blvd.
Andover, MN 55304
763-862-4231
www.anokacounty.us/307/Highway-Department

- Development Review Coordinator**
MN Dept of Transportation
Metro Division, Waters Edge
1500 West County Road B-2
Roseville, MN 55113
651-234-7500
metrodevreviews.dot@state.mn.us

JOINT APPLICATION REQUIRED (WETLANDS/WATERWAYS)

- Anoka Conservation District**
Attn: Wetland Specialist
1318 McKay Dr NE, Suite 300
Ham Lake, MN 55304
763-434-2030, ext. 14
<https://www.anokaswcd.org/>

- Area Hydrologist**
MN Dept of Natural Resources
1200 Warner Road
St. Paul, MN 55106-6796
651-259-5802
<https://www.dnr.state.mn.us/>

- Ecological Services**
MN Dept of Natural Resources
1200 Warner Road
763-200-2581
<https://www.dnr.state.mn.us/>

- Board of Water & Soil Resources**
651-296-6736
<http://www.bwsr.state.mn.us/>

- U.S. Army Corps of Engineers**
180 Fifth St East, Suite 700
St. Paul, MN 55101
651-290-5282
<https://www.mvp.usace.army.mil/>

- Sunrise Watershed Management Organization**
19511 E. Tri Oak Cir
Wyoming, MN 55092
763-434-9652
LAM3@ISD.net

- Upper Rum River Watershed Management Organization**
19900 Nightingale St. NW
Oak Grove MN 55011
651-259-5755
<http://www.urrwmo.org/>