



CONDITIONAL USE PERMIT APPLICATION

PUBLIC WORKS DEPARTMENT

Survey & Land Management Division

14949 62nd Street North, P.O. Box 6 Stillwater, Minnesota 55082-0006
PHONE (651) 430-6656 FAX (651) 430-6888

FEE: \$500.00

Rec #: \_\_\_\_\_

Permit #: \_\_\_\_\_

Please make checks payable to WASHINGTON COUNTY

Ck #: \_\_\_\_\_

Legal Description and Parcel Identification Number
Project Address
Owner Address City State Zip Phone
Applicant (if different than owner) Address City State Zip Phone
Description of Request
In connection with your request for a Conditional Use Permit, your signature constitutes permission for a representative of the Washington County Public Works Department to enter upon your property, during normal business hours, for the purpose of evaluating your request. This may involve minor excavation and soil borings. If you wish to be present during such inspection, please contact this office.
Signature of Owner Date
Signature of Applicant (if different than owner) Date

An Equal Employment Opportunity/Affirmative Action Employer



## CONDITIONAL USE PERMIT APPLICATION CHECKLIST

The County must receive the following items to process your application. Your application will not be processed until all of these items are received. During the review of your application by staff, additional information may be requested. The Planning Advisory Commission will hold a public hearing to consider the application within sixty (60) days of the date your application is determined by staff to be complete. For further information regarding the conditional use permit process, please refer to Chapter 1, Section 9, Conditional Use Permits, of the Washington County Development Code.

\_\_\_\_\_ **Fee (Non-refundable)**

\_\_\_\_\_ **Application Form**

### **Submission Standards:**

The scale of maps submitted shall be at least **1" = 200'**. Maps for sites less than 50 acres shall be at least **1" = 100'**. A minimum of 20 copies of each map shall be submitted. Additional copies may be required. All maps shall be reduced to 11" x 17" in size.

\_\_\_\_\_ **Certificate of Survey**

\_\_\_\_\_ **Site Plan (20 copies), Drawn to Scale, with the Following Information:**

### **Existing Conditions:**

- Property lines and dimensions
- Building location and setbacks
- Dimensions of buildings
- Curb cuts
- Driveways
- Access roads
- Parking
- Off-street loading areas
- Location of septic system
- Location of well

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**Proposed Conditions:**

- Property lines and dimensions
- Building location and setbacks
- Building dimensions
- Curb cuts
- Driveways
- Access roads
- Parking
- Off-street loading areas
- Other proposed improvements

\_\_\_\_\_ **Landscape Plan with the Following Information:**

- Existing vegetation
- Proposed plantings
- Plant schedule, including information about:
  - Plant size
  - Quantity
  - Type and root condition
  - Ground cover

\_\_\_\_\_ **Grading and Drainage Plan**

\_\_\_\_\_ **Soil Conditions**

\_\_\_\_\_ **Building Floor Plan**

\_\_\_\_\_ **Building Elevations**

\_\_\_\_\_ **General Location Map**

\_\_\_\_\_ **Principal Land Uses Within 200 feet of the Property**

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\_\_\_\_\_ **Proof of Ownership in the Form Of:**

- Abstract of Title
- Certificate of Title
- Attorney's Title Opinion
- Unrecorded documents where petitioner will acquire legal or equitable ownership

\_\_\_\_\_ **Type of Business or Activity and Proposed Number of Employees**

\_\_\_\_\_ **Sanitary Sewer and Water Plan (Areas Without Public Sewer or Water)**

**Information must include:**

- Soil tests
- Approved locations for septic system and replacement system

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**Excerpt from Washington County Development Code  
Chapter One — Administration**

*SECTION 9. CONDITIONAL USES*

Certain uses, while generally not suitable in a particular zoning district, may under some circumstances be suitable if conditions are attached. When such circumstances exist, a conditional use permit may be granted. Conditions may be applied to issuance of the permit and a periodic review of the permit may be required. The permit shall be granted for a particular use and not for a particular person or firm.

**9.1**     Application.

- (1)     Whenever this Development Code requires a conditional use permit, an application therefore in writing shall be filed with the Zoning Administrator.
  
- (2)     The application shall be accompanied by development plans of the proposed use showing such information as may be deemed necessary by the Zoning Administrator or by the Planning Advisory Commission.
  - (A)     The scale of maps submitted shall be at least 1" to 200'. Maps for sites less than fifty (50) acres shall be at least 1" to 100'. The number of maps and reports to be submitted shall be specified by the Planning Commission, but shall not exceed twenty-five (25). All maps shall be reduced and included in the applicable reports. One (1) transparent mylar copy of the final general development plans, should they be approved, shall be filed with the Planning Commission within sixty (60) days of such approval.
  - (B)     Certificate of Survey
  - (C)     Site plan drawn to scale showing the following information:
    1.     Existing Conditions. 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.
    2.     Proposed Conditions. Property lines and dimensions, building location and setbacks, building dimensions, curb cuts, driveways, access roads, parking, off-street loading areas and any other proposed improvements
  - (D)     Landscape Plan with the following information:
    1.     Existing vegetation, proposed plantings, plant schedule including information about the plant size, quantity, type and root condition and ground cover.
  - (E)     Grading and Drainage Plan
  - (F)     Soil Conditions
  - (G)     Building Floor Plan

- (H) Building Elevations
- (I) General Location Map
- (J) Principal land uses within 200 feet of the property.
- (K) Proof of ownership in the form of Abstract of Title, Certificate of Title, Attorney's Title Opinion, unrecorded documents where petitioner will acquire legal or equitable ownership.
- (L) Type of business or activity and proposed number of employees.
- (M) Sanitary sewer and water plan (areas without public sewer or water).

## 9.2 Notice and Hearing Procedure.

- (1) Upon receipt of an application that contains all required information, the Zoning Administrator shall refer the matter to the Planning Advisory Commission and establish a time for hearing on the application. From the date the Zoning Administrator receives the application containing all required information, the Planning Advisory Commission has sixty (60) days to take action on the request or the request shall be deemed approved, provided, however, that the Zoning Administrator may extend this time line by providing written notice of the extension to the applicant before the end of the initial sixty (60) day period. This notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days. The deadline may also be extended as indicated in Minnesota Statute 15.99 Subd. 3.
- (2) Notice of the time, place and purpose of all public hearing shall be given by publication in a newspaper of general circulation in the town, municipality or other area concerned and in the official newspaper of the county at least 10 days before the hearing. Notice shall also be sent to the clerk of the applicable town board not less than ten (10) days in advance of the date of the public hearing. The notice shall state the purpose, time and place of the public hearing.
- (3) Written notice shall also be given to the affected Board of Town Supervisors and the Municipal Council of any municipality within two (2) miles of the affected property.
- (4) Notice shall also be mailed to each of the owners of all property located within one-quarter ( $\frac{1}{4}$ ) mile of the affected property or to the ten (10) properties nearest to the affected property whichever would provide notice to the greatest number of owners.
- (5) Where required, no less than twenty (20) days prior to the public hearing, the Zoning Administrator shall send notice and copies of the applicants' information to the Minnesota Department of Natural Resources for review and comment.
- (6) Defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with the provisions of this Section has been made. A copy of the notice and a list of property owners and addresses to which the notice was sent shall be made a part of the record.

9.3 Criteria for Granting Conditional Use Permit.

- (1) The Planning Advisory Commission may grant a conditional use permit in any district, provided the proposed use is listed as a conditional use for the district and upon a showing that the standards and criteria stated in this Development Code will be satisfied and that the use is in harmony with the general purposes and intent of this Development Code and the Comprehensive Plan. In determining whether the proposed use is in harmony with the general purpose and intent of this Development Code and the Comprehensive Plan, the Planning Advisory Commission shall consider:
  - (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 utility and school capacities.
  - (D) The effect of the proposed use on property values and scenic views in the surrounding area.
  - (E) The effect of the proposed use on the Comprehensive Plan.
  - (F) The ability of the proposed use to meet the standards of the Development Code.
  - (G) The results of a market feasibility study, if requested by the Zoning Administrator, when the purpose for which the conditional use is being requested relies on a business market for its success.
  - (H) The affects of the proposed use on groundwater, surface water and air quality.
  - (I) That the proposed use is allowed with a conditional use permit in the designated zoning district in which it is proposed.
- (2) In connection with the issuance of Conditional Use Permits to nonconforming situations, the Planning Advisory Commission may require nonconformity's 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 entered into regarding such matters.
- (3) The Planning Commission may impose and the applicant shall pay costs incurred by the Zoning Administrator for monitoring compliance with the conditions of the Conditional Use Permit.

**9.4** Compliance

The use shall conform to the applicable sections of this Development Code.

**9.5** Length of Conditional Use.

Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith. Conditional Use Permits shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this section shall prevent the County Board or the Planning Advisory Commission from acting or amending Official Controls to change the status of conditional uses.

**9.6** Expiration of Conditional Use Permit.

A conditional use permit shall expire and be considered null and void one (1) year after it has been issued if no construction has begun or if use has not been established.

**9.7** Revocation.

- (1) A violation of any condition set forth in a conditional use permit shall be a violation of this Development Code, and failure to correct said violation within thirty (30) days of written notice from the Zoning Administrator shall terminate the permit.
- (2) Revocation shall not occur earlier than ten (10) County working days from the time written notice of revocation is served upon the permittee or if a hearing is requested, until written notice of the Planning Commission 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 the effective date of the revocation, the nature of the violation or violations constituting the basis of the revocation, the facts which support the conclusions that a violation or violations have occurred and a statement that if the permittee desires to appeal, he must, within ten (10) working days, exclusive of the day of service, file a request for a hearing.
- (4) The hearing request shall be in writing, stating the grounds for appeal and served personally or by registered or certified mail on the Washington County Department of Health, Environment and Land Management by midnight of the tenth County working day following service.
- (5) Following the receipt of a request for hearing, the Washington County Department of Health, Environment and Land Management shall set a time and place for the hearing, which hearing shall be conducted in accordance with the procedures set forth in the Washington County Administrative Ordinance.

**9.8** Records of Conditional Uses.

- (1) A certified copy of any conditional use shall be filed with the County Recorder or Registrar of Titles.
- (2) The Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, conditions imposed by the Planning Advisory Commission, time limits, review dates and such other information as may be appropriate.
- (3) A copy of the filed permit, bearing a notation of the filing date shall be mailed to the applicant.

**9.9** Amended Conditional Use Permits.

Amended conditional use permits shall be requests for changes in conditions of the existing permit. An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit.

**9.10** Reapplication.

No application for a conditional use permit for a particular use on a particular parcel of land shall be resubmitted for a period of twelve (12) months from the date of the denial of the previous application.

**9.11** Planning Commission Decision and Appeal.

A decision of the Planning Advisory Commission as it relates to a conditional use permit shall not take effect for fifteen (15) days from the date the decision was made. During this fifteen (15) day period an appeal of the decision may be made to the Washington County Board of Commissioners; if no appeal is made within this time period, the decision will take effect and shall be considered final.

**9.12** Phased Developments.

In order to preserve an appropriate flexibility in the development plans for a large project, which is to be developed over a number of years, a preliminary plan may be approved after a public hearing. The developer would then seek approval of the final plan in stages as he progresses with development. No additional public hearings need be held unless the developer proposes to make a substantial change from the plans or conditions included in the conditional use permit when it was granted approving the preliminary plan. Enlargement, intensification of use or similar changes not specifically permitted by the conditional use permit issued, shall be considered substantial changes.

**9.13** Existing Uses.

All uses existing at the time of adoption of this Development Code that now require a conditional use permit may continue in the same manner of operation as the use did upon the effective date of this Development Code. The Zoning Administrator may require a conditional use permit for the use. Any enlargement, structural alteration or intensification of use shall require a conditional use permit as provided for above. The Planning Advisory Commission may impose additional, reasonable conditions for the continuation of such use in accordance with the hearing provisions as set forth in Section 9.2.