

April 25, 2018

PLANNING ADVISORY COMMISSION Ordinance Amendment

A staff-initiated request to amend Section 11.5 of the Pope County Land Use Controls Ordinance;

- Section 11.5.2.B correct that the minimum distance for notifying of property owners of record is 1320 feet. This distance is required per State Statute 394.26 subd 2(b) which states that *in the case of conditional uses and interim uses, to owners of record within one-quarter mile of the affected property or to the ten properties nearest to the affected property, whichever would provide notice to the greatest number of owners;*
- Section 11.5.2.G strike language indicating that a public hearing is required in the event that the Board deviates from the recommendation of the Planning Advisory Commission. An opportunity for a public hearing is provided during the Planning Advisory Commission meeting to take testimony from impacted/interested parties. The information from that public hearing is made available to the Board.
- Section 11.5.2.H.11 which strikes the requirement to verify that property taxes are current on a particular parcel upon which a conditional use is being requested.

11.5 CONDITIONAL USE PERMIT:

11.5.1 Description:

Any proposed conditional use shall be presented to the Planning Commission for the determination of its applicability to the district wherein proposed. In support of such determination of applicability, the Planning Commission may require preliminary architectural drawings or sketches of all buildings or groups of building showing the front, side and rear elevations of the proposed buildings, structure or other improvements and the proposed location of such buildings on the lot as the same shall appear after the work has been completed. Such drawings or sketches shall be considered by the Planning Commission in an endeavor to ascertain that such buildings, structures and other improvements shall be so designed and constructed that they will not be of unsightly, undesirable or obnoxious appearance to the extent that they will hinder the orderly and harmonious development of the County and zoning district wherein located.

11.5.2 Procedure:

- A. The applicant for a Conditional Use Permit shall file an application in the office of the Administrator and pay a fee according to the fee schedule resolution of County Board of Commissioners.
- B. The Administrator shall refer the application to the Planning Commission for a public hearing. Property owners of record within ~~500 ft.~~ **1320 ft.** of the affected property or the ten properties nearest to the affected property, whichever would provide notice to the greatest number of owners; and the Commissioner of Natural Resources shall be given ten (10) days notice of the date the Planning Commission will consider said application, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notice shall be given the governing body of any city or village if the incorporated limits of same lie within two (2) miles of the proposed Conditional Use. Notice shall also be given the Town Board of the Township wherein the Conditional Use is proposed. Notice of the time, place and purpose of any 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 ten days before the hearing.
- C. The Planning Commission shall consider the application at its next regularly scheduled meeting after compliance with the provisions of notice above specified.
- D. The applicant or his representative shall appear before the Planning Commission and answer any questions concerning the proposed conditional use.
- E. The Planning Commission shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to prevent such adverse effects.
- F. The report of the Planning Commission shall be referred to the County Board and placed on the agenda of the Board at its regular meeting following referral from the Planning Commission.
- G. The County Board shall take action on the application within forty-five (45) days after receiving the report of the Planning Commission. ~~Any action by the County Board which reverses the Planning Commission's recommendation shall only be following a full public hearing at the County Board meeting as prescribed above.~~

- H. In considering a Conditional Use Permit, the County Board shall consider~~d~~ the effect of the proposed use upon health, safety and general welfare of the occupants of surrounding lands, the effect of the proposed use on the environment, the effect of the use on existing and anticipated traffic conditions, including parking facilities on adjacent streets and land, and the effect on property values and scenic views in the surrounding area. It shall make at least the following findings, and others where applicable:
1. The project is in compliance with the setback and other provisions of this ordinance unless a variance has been granted.
 2. The use is not in conflict with the County Comprehensive Land Use Plan.
 3. That the use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair neighboring property values in the area, and will not interfere with the best interest of the surrounding area or the community as a whole.
 4. The use will not create an excessive burden on parks, schools, streets, water supply, public drainage systems and other public facilities and utilities which serve or are proposed to serve in the area.
 5. The structure and site shall have an appearance that will not have an adverse effect on adjacent properties.
 6. That the road on which the project is proposed is adequate to handle increased traffic during construction and operation, and that the use will not cause traffic hazards or congestion.
 7. Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare, odor or general unsightliness.
 8. That the establishment of the use will not impede the normal and orderly development and improvement of surrounding vacant property uses predominant to the area.
 9. That adequate utilities, drainage, and other necessary facilities have been or are being provided.
 10. That adequate measures have been or will be taken to prevent or control rodents, insects, offensive odors, fumes, dust, noise and vibration in order that none of these will constitute a nuisance, and that adequate measures have been or will be taken to prevent negative impacts on surface water, groundwater and air quality, and that measures have been taken to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
 - ~~11. The county has certified that all property taxes for the property have been paid for the property in question.~~
- I. A certified copy of any Conditional Use Permit shall be filed with the County Recorder for record. The Conditional Use Permit shall include the legal description of the property involved.
- J. Any conditional use shall comply with all reasonable conditions deemed necessary to protect the public health safety, and general welfare. In connection with ordering the issuance of a conditional use permit the designated approval authority may impose such additional restrictions or conditions as it deems necessary to protect the public

interest, including but not limited to matters relating to appearance, lighting, hours of operation and performance characteristics. When appropriate, restrictive covenants may be entered into regarding such matters.

- K. Should there be any cause for revocation of a Conditional Use Permit, as in the case of violation of a conditional requirement, the Administrator shall require a hearing on revocation of said Conditional Use Permit. The hearing shall be conducted under the same procedures specified above. If the matters of concern are not resolved at the hearing or subsequent thereto, a Conditional Use Permit may be revoked and the use for which the permit was originally issued shall cease. Each Order of the Board which revokes a Conditional Use Permit shall be effective upon adoption or such other date as the Board may specify and shall be promptly be recorded in the office of the Pope County upon its taking effect.
- L. A Conditional Use Permit shall take effect upon recording and shall be in effect perpetually or for a shorter period as fixed by the Board unless revoked by the Order of the Board for failure to observe conditions or other violations of law provided that nothing in this section shall prevent the Board from enacting or amending official controls to change the status of conditional uses.
- M. In the event that there is a need to renew a Conditional Use Permit, the Planning Commission shall review the request for renewal under old business and may decide to: either renew or extend the validity of said permit, or schedule a public hearing on the question of whether the permit shall be renewed.
- N. All decisions made by the County Board in processing a Conditional Use Permit shall be final except that any aggrieved person shall have the right to appeal within 30 days, after receipt of notice of the decision, to the Pope County District Court.

4/17/19

**POPE COUNTY LAND & RESOURCE MANAGEMENT
POPE COUNTY COURTHOUSE
130 E. MINNESOTA AVENUE, SUITE 113
GLENWOOD, MINNESOTA 56334
(320) 634-7791**

**POPE COUNTY PLANNING ADVISORY COMMISSION
NOTICE OF PUBLIC HEARING FOR
PROPOSED AMENDMENT TO LAND USE CONTROLS ORDINANCE**

Notice is hereby given that a Public Hearing will be held in the Community Room of the Pope County Courthouse, 130 East Minnesota Ave, Glenwood, MN 56334 at 6:45 pm or shortly thereafter on Thursday April 25th, 2019, where the Pope County Planning Advisory Commission will consider a request to amend the Pope County Land Use Controls Ordinance, Section 11.5.

Description of Request: Language amendments initiated by staff, that if approved would amend Sections 11.5.2.B., 11.5.2.G. and 11.5.2.H.11. of the Land Use Controls Ordinance as it relates to conditional use permit procedures.

Dated: April 9, 2019

By: David J. Green
Director
Land & Resource Management