

**TODD TOWNSHIP
HUBBARD COUNTY
STATE OF MINNESOTA**

CONDITIONAL USE PROCESSING AND REVIEW POLICY

In order for Todd Township to comply with Minnesota Statutes, Chapter 15.99 (processing time deadlines for agency action), these policy steps must be fulfilled before Todd Township will accept a conditional use application as complete:

A. A **pre-application meeting** must be held between the applicant and the Zoning Administrator to determine which of the following additional information items must be provided:

- A topographic survey showing two-foot (2 foot) contour intervals
- Location and size, in square feet, of all wetlands
- Location and dimensions of all structures
- Individual sewage treatment system Certificate of Compliance
- Individual sewage treatment system design submitted with this application along with second site identified if a new parcel
- Other:

ALL PROPOSED PROJECT PLANS MUST BE DRAWN TO SCALE AND SUBMITTED AT THE TIME OF APPLICATION.

The pre-application meeting was held on _____. It was agreed that the items checked above would be required for this application to be complete.

Todd Township Zoning Administrator.

Date

Applicant or Agent

Date

Printed Name

**TODD TOWNSHIP
HUBBARD COUNTY
STATE OF MINNESOTA**
INSTRUCTIONS FOR CONDITIONAL USE APPLICATION

- WARNING -

Any work within TODD TOWNSHIP which requires a permit cannot be legally started until all permits are issued. Any such work done without a permit constitutes a misdemeanor punishable by fines of \$1000 and/or 90 days in jail. The Todd Township Zoning Administrator also has the authority to require restoration of any work done without a permit or beyond the work authorized by a permit and will assess double the additional application fee.

1. The following items must be addressed in this application before this document will be processed.
2. A site plan must accompany each application and show the following:
 - a. The site plan must show all existing & proposed buildings, giving all dimensions.
 - b. Well and septic systems. Show the existing or future location of wells on parcel and all neighboring adjacent properties.
 - c. Driveways, roads, & highways.
 - d. Pertinent setback information, such as distances to road centerline & road right-of-way, wells, septic systems, lakes that are man made or otherwise and any potential wetlands.
 - e. State "proposed new" or "existing" on buildings, wells, and septic systems.
 - f. Physically locate and mark property lines or corner markers with stakes. Stake out areas of proposed buildings, septic system(s), and wells.
3. **Wastewater Treatment.** In conjunction with this application, a background check must be done to ensure that any Individual Sewage Treatment System (ISTS) on this property is conforming to current standards. If a non-conforming system is found, ISTS Permit must be applied from the Hubbard County Environmental Services, including a site evaluation and sewage treatment system design. The ISTS upgrade must be completed and a certificate of compliance issued within one year of the date that the system design is approved by the permitting authority.

For any sewage treatment system installation, copies of a sewage treatment system site evaluation and system design completed by a state licensed evaluator and designer must be included with this application. If this is an addition to an existing structure that could be used as an additional bedroom, a Certificate of Compliance must be obtained and submitted **prior** to a permit is issued. Contact Hubbard County Environmental Services (218-732-3890) for a list of Licensed Registered Professionals. **NOTE:** A Sewage Treatment System Site Evaluation must be submitted with a permit prior to any development.

4. Accurate information must be given, as permits are granted on the express conditions that the person to whom it is granted, his agent, employees and workmen shall conform in all respects to the Todd Township Zoning Ordinance. This permit may be revoked at any time upon violation of the ordinance.
5. You will be notified by mail as to the date and time of the hearing on your application.
6. The applicant is responsible for securing any other local, state, or federal permits that may be required. NOTE: If this application involves work in wetlands, additional permits and approvals will be required to comply with the Minnesota Wetlands Conservation Act and Army Corps of Engineers Regulations.
7. Once a Conditional Use request has been granted, you must then apply for a Land Use Permit & obtain Sanitary Permit before any work commences.
8. **Completed Application.** When you have completed the application and all accompanying plans, etc., mail or deliver it to the Zoning Administrator (card attached). A fee schedule is attached and the fee must accompany each application. Make check payable to "Todd Township". For any questions, you can contact the Town Zoning Administrator at 1.218.732-3323.

I have read and fully understand the above instructions. I hereby swear that all information provided in this application is true and correct.

Applicant or Agent:

Date:

Printed Name

draft1: forms: 23_April_07: draft 2: 26-Aug-07: 12-Sep-07: 21-Oct-07

**TODD TOWNSHIP
HUBBARD COUNTY
STATE OF MINNESOTA**

APPLICATION FOR CONDITIONAL USE

Parcel ID Number: _____

Name(s) of Applicant: _____ Date _____

Address: _____ Property Address: _____

City, State, Zip: _____

Phone: Permanent # : _____ Seasonal # : _____ Cell # : _____

E-Mail Address: _____

Legal Description: _____

Section _____ Twp _____ Range _____ Twp Name _____ E 911 # _____ (blue sign)

LOT INFORMATION

Year Septic System was Installed _____

Homeowner when Septic System was Installed _____

Well Size and Depth _____

Date Lot Became Lot of Record _____ Date of Ownership: _____

Lot Width at Front & Rear: Front: _____ Rear: _____

Lot Depth _____ Lot Area (ft²) _____ TOTAL ACRES _____

Minimum Sideyard _____

Road Centerline Setback _____ Right-of-Way Setback _____

Elevation at Building Setback _____ Building Line Width _____

Total Building Coverage on Lot (ft²) _____

Applicant is: () Owner () Buyer () Agent () Other

Current Use of the Property _____

Uses of the Surrounding Neighboring Properties _____

Explain why Conditional Use is Needed: _____

Initials: _____

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SKETCH PLAN



The site plan must show: Can attach another sheet if necessary or do site plan on back of this page for more room:

- a. All existing buildings, lot lines and dimensions
- b. Existing and closed wells and septic systems
- c. Driveways, roads & highways
- d. Pertinent information such as distance to a wetland, width of project
- e. If topography is unusual, show elevation levels
- f. Show "Proposed Project Area".
- g. Indicate North point and slope of land

I hereby certify and agree that the above sketch accurately represents the work to be done in conjunction with this permit or restoration order.

APPLICANT OR AGENT

DATE

Printed Name

Sketched by: _____

Todd Township Planning Commission Review Criteria – Conditional/Interim Use Permits

The Township Ordinance outlines the following as the criteria to be met for the granting of a conditional or interim use permit. These are the criteria the Planning Commission and Town Board will review in determining whether to grant your request.

- M. The maintenance of safe and healthful conditions as well as the general health, safety and welfare of the residents; and
- N. The prevention and control of water pollution including sedimentation; and
- O. The impact on existing topographic and drainage features and vegetative cover on the site; and
- P. The location of the site with respect to existing or future access roads; and
- Q. The compatibility with uses on adjacent land; and
- R. The compatibility with a desirable pattern of development in the area and in the township; and
- S. The adequacy of the proposed wastewater treatment system for the new use; and
- T. The compliance with the Todd Township Community Comprehensive Plan and other Todd Township Ordinances, as amended or any other ordinance, rule or statute; and
- U. The proposed use can be accommodated with existing public services and will not overburden the town's service capacity; and
- V. The traffic generated by the proposed use is within the capabilities of the roads serving the property; and
- W. The effect of the proposed use on groundwater, surface water and air quality; and
- X. Whether such use will tend to or actually depreciate the value of other properties in the area in which it is proposed.

Interim Use Permits Only:

- Y. Will terminate upon a date or event that can be identified with certainty;
- Z. Will be subject to any conditions that the board deems appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit;

Note: The Planning Commission is a recommending body to the Town Board. The Town Board will make the final decision, which may or may not follow the recommendation of the Planning Commission.

Planning Commission Public Hearing Procedures

- 1) Prior to the first public hearing, the Planning Commission Chair will briefly explain the public hearing process and the steps the Commission will take in making their decisions on applications. Commission members, any member of the public, the applicant and staff should always endeavor to be respectful and understanding of one another during this entire public hearing.
- 2) For each application, the Chair will first declare the public hearing to be open and then request the applicant to come forward and state their name.
- 3) Next, the Chair will call on the Township staff to give a summary of the application and provide pertinent information regarding the property and the applicant's request. Following the summary, the Chair will allow the applicant an opportunity to add any additional information regarding the request.
- 4) The next step will be for the Chair to allow members of the public to state their position regarding the application. Speakers should first state their name for the record. Comments should be limited to issues directly related to the request and be presented in a manner that is respectful to the Commission, the applicant, staff and others present at the hearing. If an item is particularly controversial and entails considerable discussion, the Chair may ask that positions not be repeated and that only new information be presented. If the public has questions of the applicant or staff, those questions must be directed through the Chair in order to maintain order and provide proper protocol for the meeting. At any time, the Commission may ask questions of the applicant, staff, or the public.
- 5) Following the conclusion of all public testimony, the Chair will call for a motion to close the public hearing. Once the public hearing is closed, only the Commission members may ask clarifying questions of the applicant or staff. During this time, the applicant and/or the public may not make any further comments or testimony unless directed to do so by the Chair. This is an opportunity for the Commission to discuss the request and testimony among themselves and begin to frame their individual positions on the merits of the application.
- 6) Once it appears that all issues have been discussed and questions have been asked by the Commission members, the Chair will direct the Commission members to proceed with making their Findings of Fact. This is a formal process in which the Chair will read through a series of questions aimed at determining whether or not the request and testimony presented meet the intent of the comprehensive plan and all applicable ordinance requirements. Following the completion of the Findings of Fact, the Chair will call for a motion in support of or in denial of the request. The motion passed must be supported by the evidence in the Commission's Findings of Fact. For conditional use permits, interim use permits, plats and rezoning applications, the motion made by the Commission will be a recommendation of approval or denial to the Township Board of Supervisors. At a later date, the Todd Township Board of Supervisors will make the final decision on these requests.
- 7) Applicants for a conditional use permit, interim use permit, rezoning, or plat will receive written notice of the Commission's decision within one week of the public hearing.

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RIGHT TO ENTER

I / We _____ hereby swear that all of the information included in this application with attached materials is true and correct.

We further give the Township and its designated representatives the right to enter said property at reasonable times during the application process and thereafter to make any necessary inspections or to subsequently check for compliance with permit conditions or other applicable Township Ordinances.

Applicant Signature

Date

Applicant Signature

Date

TODD TOWNSHIP

AGREEMENT TO PAY COSTS RELATED TO PROCESSING OF APPLICATION

WHEREAS, _____ (“Applicant”) _____ (_____ Agent for Applicant), located at _____, MN _____ (PID No. _____ in Section __, Twp 140, Range 35) has applied to Todd Township (“Township”) for a _____; and

WHEREAS, the Town Board desires that the Petitioner pay the costs incurred by the Township in process the Application including, but not limited to, administrative costs, recording costs, Attorney review and Engineer costs, any special meeting costs, and any other professional costs deemed necessary the Town Board for processing the Application, and;

WHEREAS, the Township is willing to process Applicant’s _____ (“Application”) provided that said Applicant pays all costs incurred by the Township in processing said Application; and

NOW, THEREFORE, the Township and Applicant agree as follows:

The Township shall process the Application consistent with Minn. Stat. Chapter 462.

Applicant shall escrow with the Township cash or a letter of credit (collectively, “Surety”) in the amount of **\$750.00** for use in reimbursing the Township’s expenditures in processing the Application and enforcing this Agreement. The Township may draw upon said Surety to reimburse itself for any such expenditure.

The Applicant shall maintain the Surety in the minimum amount of **\$ 750.00** at all times until the Application has been fully processed and shall replenish the Surety as necessary to maintain said minimum amount. In the event that the Surety falls below said minimum, and Applicant fails to replenish the Surety within 10 days after notification by the Township, the Township may take any legal or equitable action it deems necessary against Applicant.

It is understood and agreed that the Applicant will reimburse the Township for all reasonable administrative, legal, planning, engineering and other professional costs incurred in the creation, administration, enforcement or execution of said Application or this Agreement. Applicant agrees to pay all such reasonable costs within 30 days of billing by the Township. Bills not paid within 30 days of billing by the Township shall accrue interest at the rate of 6% per year. Further, if Applicant fails to pay said amounts within the time permitted by this Agreement, then the Township may specially assess such costs against Applicant’s property within the Township. Applicant knowingly and voluntarily waives any and all rights to appeal the assessments under applicable statutes, the Constitution, and case law.

Applicant understands that this Agreement shall in no way obligate the Township to approve the Application.

If any provision contained in this Agreement is held invalid, the validity of the remainder of the Agreement shall not be affected thereby.

This Agreement represents the full and complete understanding of the Parties and both Parties represent that neither Party is relying on any prior Agreements or understandings, whether oral or written. This Agreement shall only be modified, if at all, with the signed written consent of both Parties.

OWNER(S)/AGENT

Name: _____

Date: _____

Name: _____

Date: _____