



CITY OF BACKUS
CONDITIONAL USE APPLICATION

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Please read the conditional use application in its entirety before submitting the application. Applications must be submitted **30** days before the City Council meeting. The full land use ordinance is available online.

WHAT IS A CONDITIONAL USE PERMIT?

A conditional use is a land use or development that would not be appropriate without restrictions, but may be allowed with or without restrictions of conditions as determined by the City Council. The City Council must determine if the following requirements are met when reviewing a conditional use application:

1. The use or development is an appropriate conditional use in the land use zone.
2. The use or development, with conditions, conforms to the comprehensive land use plan.
3. The use with condition is compatible with the existing neighborhood.
4. The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the City.

The City Council must also consider the following questions when reviewing the conditional use application:

1. The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity.
2. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. The conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
4. The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an indifference with traffic on surrounding public thoroughfares.
5. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.
6. Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.
7. The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.
8. The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.

APPLICATION:

- A. Applicant shall complete Conditional Use Application provided by Community Development Administrator and submit to Community Development Administrator **30** days prior to scheduling public hearing.
- B. Application shall be accompanied by nine (9) prints of site plan drawing complete with as a minimum the information from Conditional Use Checklist.
- C. Application shall be accompanied by application fee made payable to City of Backus. **This fee does not cover the Land Use Permit, which must be filed separately, if necessary.**
- D. The City Council holds their monthly meeting on the second Monday of the month at 6:30 PM at the Backus City Office. Meetings are held as needed, so coordinate with the Community Development Administrator for placement on the agenda.

REVIEW:

- A. Community Development Administrator shall review the application for completeness and assign a reference number to application, plans, and any other attachments. Applicant shall be notified within ten days if additional information is required to complete the application.
- B. After receipt of a completed Conditional Use Application and supporting documents, the Community Development Administrator shall schedule a public hearing date on the City Council's agenda for the earliest possible opening. Applicant will be notified of the date and time of the public hearing.
- C. Community Development Administrator will prepare a Staff Report on the application. The Staff Report will be available for review upon request, typically one week prior to the scheduled meeting date.
- D. The City Fee Schedule is based on average processing and review costs for all applications. When costs exceed the original application fees, the applicant shall reimburse the City for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the City may need to obtain in reviewing permits. The City may withhold final action on any application and/or hold the release of such permits until all fees are paid.

ACTION:

- A. The City shall hold a public hearing on the conditional use application.
- B. At the conclusion of the public hearing, and after consideration of the testimony presented, the City Council shall make a decision on the application. The application can be approved, denied, or tabled in order to gather additional information.
- C. Appeals of the City Council decision can be made.

The applicant should be prepared at the public hearing to discuss the following issues by explaining how the proposed Conditional Use will cause no significant adverse effects. Please complete all of the following questions:

- (1) Describe the impact on the use and enjoyment of other property in the immediate vicinity. If there is no impact, explain why.

- (2) Describe character of the area and the existing patterns and uses of development in the area. How is this proposal consistent with those patterns and uses?

- (3) Describe the impact on the capacity of existing or planned community facilities (sewer, drainage, other). Describe if additional facilities will be required.

- (4) Describe the impact on the character of the neighborhood in which the property is located.

- (5) Describe the impact to traffic on roads and highways in the vicinity, and expected traffic generated by this application. Is there adequate parking available to accommodate the proposal?

- (6) Discuss any environmental limitations of the site or area.

CITY OF BACKUS

CONDITIONAL USE APPLICATION CHECKLIST

- _____ Completed application, including signature of property owner
- _____ Fee
- _____ Nine prints of the site plan (11”x 17” maximum size, 8.5” x 11” preferred)
- _____ All current City charges paid
- _____ No outstanding violations
- _____ Site plan as close to scale as possible with the following information, as a minimum

(unless waived by Community Development Administrator)*:

- _____ Legal Description of Site (can be located on most property tax statements)
- _____ Size of parcel and dimensions
- _____ All existing structures, their square footage, height, distance from all property lines and setbacks (including road, bluff and lake ordinary high water level) and each other
- _____ All proposed structures, their square footage, height, distance from all property lines and setbacks (including road, bluff and lake ordinary high water level) and each other
- _____ Location on the parcel of existing and proposed sewage treatment systems and wells, if applicable, and their distance from property lines, structures and each other
- _____ Existing and/or proposed square footage of the driveway (gravel and paved), access roads, parking, sidewalks
- _____ Proposed landscaping, screening and drainage plans (required)
- _____ Location of the subject property (a copy of the tax map can be used)
- _____ Name of record owner/title holder of property
- _____ Approximate location of existing and proposed water courses, wooded areas, and other significant physical features
- _____ Approximate location of any proposed signs

** Under certain circumstances, the City Council may require a professionally prepared property survey, stormwater management plan, and/or landscaping plan.*

CITY OF BACKUS CONTACT INFORMATION

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