



City of Foley and Gilmanton Township

Joint Planning Board

251 4th Avenue N, PO Box 709
Foley, MN 56329
Phone: (320) 968-7260

**Interim Use Permit (IUP)
Application Community Solar
Energy System**

Application Fee: \$400 (\$800 if it is an after the fact application)

Property Owner: _____	Phone: _____
Mailing Address: _____	
Applicant: _____	Phone: _____
Mailing Address: _____	
Property Address: _____	
Parcel I.D. Number: _____	Section: _____
Legal Description: _____	

<p>City of Foley <u>strongly</u> recommends that you discuss your proposal with the adjacent property owners and the City and Township before a formal application is made. Any conflicts you can resolve ahead of time will make it easier and faster for the Joint Planning Board to process your application.</p>
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Zoning District: _____ in accordance with the Joint Planning code for the Orderly Annexation Area (OAA), which follows the city’s zoning code. The majority of the area is zoned A-1. Zoning code revisions for the OAA are available on the city’s website.

It is the burden of the applicant to demonstrate satisfaction of the criteria for granting an interim use permit stated in OAA code.

Provide a detailed description and reason for the request that addresses the following:

1. How the interim use conforms to the zoning regulations of the OAA, see requirements within each district;
2. There will be no additional cost imposed on the public if the interim use is approved if it is necessary for the public to take the property in the future.
3. The interim use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
4. The interim use will not impede the normal and orderly development and/or improvement of surrounding vacant property
5. The interim use, including any structures utilized for the use, are sufficiently compatible

or separated by distance and/or screening from adjacent land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.

6. The interim use is consistent with the purpose and intent of the development code and purposes of the zoning district.
7. The interim use is consistent with the Comprehensive Plan of the City.
8. The interim use will provide adequate access to a public road to not cause traffic hazards or congestion on the adjacent public roads and that there are sufficient off-street parking and loading space to serve the proposed use.
9. The interim use will not create a negative environmental impact, including but not limited to impacts on wetlands and water bodies. Including that adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance.

I hereby swear and affirm that the information supplied to the Joint Planning Board is accurate and true. I acknowledge that this application is rendered invalid and void should the Board determine that information supplied by me, the applicant, in applying for this conditional use permit, is inaccurate or untrue.

Applicant's Signature _____ Date _____

Owner's Signature _____ Date _____

City of Foley Office Use Only:

Zoning District: _____ Proposed Use: _____ Meeting Date: _____ Reviewed for Accuracy by: _____ (Date shall not be scheduled until staff confirms receipt of all materials)
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INTERIM USE CHECK LIST

- 1) _____ A site visit with city staff is required.
- 2) _____ Applicant has reviewed zoning code for the OAA: A-1 Agricultural District, B-1 Business District, B-2 Business District, Solar Energy Systems (Solar Gardens). Available on City website.
- 3) _____ **Application packet** is completed, and signed Applications are only accepted from property owners.
- 4) _____ Applicant must provide **evidence of ownership**. (A valid purchase agreement is acceptable.)
- 5) _____ Copy of the complete legal from the abstract is needed for recording.
- 6) _____ **A detailed sketch**, to scale, with a north arrow, of property is attached (show buildings, **distance** to property lines, septic, well, roads (name & number), driveway, wetlands, physical features, any feedlots within 1500 ft., etc.). *
- 7) _____ **Clearly identify** proposed structure(s), driveways, septic, fences, etc. by flagging or staking.
- 8) _____ A **Compliance Inspection** report must be provided for any existing sewage-treatment system on the affected property at the time of application for an IUP.
- 9) _____ Access approval from the county/city (depending on location) if new access is proposed.
- 10) _____ **Completed description of the request and statement of justification is attached.**
- 11) _____ **Application Fee of \$400** (Including the \$46 recording fee) or as amended. (\$800 if it is an after the fact application) Fees are non-refundable
- 12) _____ Applicant (or their representative) must be present at the Joint Planning Board public hearing.
- 13) _____ If the IUP is denied, by the Joint Planning Board, it cannot be resubmitted for six months.
- 14) _____ **Conditions may be included** on granted IUP's.
- 15) _____ **Granted Interim Use Permits become void** if applicant does not proceed substantially (40% of the hours required to complete the project) **within one year** of the date the IUP is granted.
- 16) _____ The **IUP deals only with the use** of the property. A **Building permit is required** prior to construction of any structures or solar panel foundations.

NOTE: A Public Hearing will be scheduled for the next available Joint Planning Board meeting **only if the applicant provides all the required information prior to the application deadline.** State of Minnesota Law requires public notification for at least 10 days prior to the hearing.

****Applicant is responsible for utilizing accurate property boundaries in submitted documents.***

Applicant

Date

WETLAND ADVISORY

Minnesota Law prohibits the draining or filling of any wetlands, unless specifically approved by the appropriate authorities.

“Wetlands” means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:

- 1) A predominance of hydric soils;
- 2) Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and,
- 3) Under normal circumstances, support prevalence of such vegetation.

If you fill or drain a wetland in violation of Minnesota Law, you are subject to criminal penalties of up to **90 days in jail and/or a \$700 fine**. In addition, you could be ordered to restore any altered wetlands to their original condition at your own cost.

The placement of fill or dredged material in any wetland, lake, stream, river, pond, or prairie pothole may constitute a violation of Federal laws that are enforced by the U.S. Army Corps of Engineers. You are advised to contact that agency before commencing any such work.

There are eight types of wetland:

Type 1 – Seasonally flooded basins or flats. Soil is covered with water or waterlogged during seasonal periods but is usually well drained during the growing season.

Type 2 – Wet meadows. Soil is usually without standing water most of the growing season but is waterlogged within a few inches of the surface.

Type 3 – Soils which are usually waterlogged during the growing season and often covered with up to 6 inches of water. Many Type 3 wetlands have cattails and bulrushes and small open water area.

Type 4 – Soils which are usually covered with 6 inches to 3 feet of water during the growing season. Many Type 4 wetlands have cattails and bulrushes and much open water.

Type 5 – Shallow water ponds and reservoirs water 3 feet to 10 feet deep.

Type 6 – Shrub swamps. Soil is usually waterlogged during the growing season and are often covered with as much as 6 inches of water.

Type 7 – Wooded swamps. Soil is waterlogged at least to within a few inches of the surface during the growing season with as much as one foot of water. Occur mostly along sluggish streams or flood plains.

Type 8 – Bogs. Soil is usually waterlogged and supports a spongy covering of mosses.

As the applicant for this permit, you are responsible for determining whether any wetlands will be affected by this proposed project. By signing this document, the applicant affirms that no wetlands will be drained or filled during the course of the project.

Signature of Applicant

Date

