



## **Jackson County Land Management Special Permit Process**

There are two types of special permits which may be required for your project. The first is a Conditional Use Permit (CUP). These are necessary if the proposed use is allowed in the district, but requires special conditions to best protect the health, safety, and welfare of Jackson County residents. The second is a Variance which is necessary when a land owner would like an exception to be made from the zoning ordinance. These typically involve reduced setback distances for construction projects.

Both special permits require a public hearing. The Planning Commission is a 9-member board that hears requests for CUPs and the Board of Adjustment is a 5-member board that hears requests for Variances. The Planning Commission is an advisory board, meaning that they will hear the request and comments from the public and make a recommendation to the Jackson County Board of Commissioners. The Board of Adjustment makes final decisions on Variance requests. All decisions, whether approved or denied, are recorded on the property. Both CUPs and Variances require a public notice to be printed in the Jackson County Pilot at least 10 days in advance of the public hearing. Complete applications (which includes the application form, a check for the public hearing, a second check for the recording fee, and any additional information deemed necessary from the designated Land Management Staff) must be submitted with proper lead time to prepare the notice and submit the notice to the newspaper. Notices will also be mailed out to surrounding property owners – 1/4 mile or the 10 nearest for CUPs and 500 ft for Variances.

You, or a representative, must be available on the date of the public hearing. These are typically held in the evening on the last Wednesday of the month. They are currently held in the multipurpose room on the Jackson Minnesota West Campus. At the public hearing, you will be allowed to present the request to the board. After the request is presented, the meeting will be opened up for public comment. If there are numerous members of the public who wish to speak, a time limit may be set for each comment, although we try our best to hear all comments in their entirety. Once the public comments are heard, the board will close public comment and deliberate. They will go through 'Finding of Fact' questions. All of the questions must be answered 'yes' in order to either give a favorable CUP recommendation or approve the Variance. For the CUPs, the recommendation is brought to the next Jackson County Board of Commissioners meeting. This meeting is not a public hearing and while the public may be present, they may not be able to speak at that time. It is recommended, but not required, for the applicant to be present for the Board of Commissioner's decision.

Upon approval, you may start your project as you desire. However, if the project requires construction of a building, a setback permit from the Land Management Office is still required.

## Conditional Use Permits

Complete Application Due: \_\_\_\_\_

- Application
- Application Fee: \$450 (check payable to the Jackson County Treasurer)
- Recording Fee: \$46 (check payable to the Jackson County Recorder)
- Other Information Required: \_\_\_\_\_

Public Hearing Date and Time: \_\_\_\_\_

Board of Commissioner Hearing Date and Time: \_\_\_\_\_

Finding of Fact Questions:

- 1) Has it been determined that this use will not create an excessive burden or hazard on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area?
- 2) Will the use and appearance of the site be sufficiently compatible or separated by distance or screening from agricultural or residentially zoned or used land so that existing homes and adjacent residential properties will not be depreciated in value or adversely affected and there will be no deterrence to development of vacant land?
- 3) Has it been determined that the proposed use will not have a detrimental environmental effect?
- 4) Has it been determined that business or advertising signs will not be visible to adjacent dwelling?
- 5) Is the use, in the opinion of the Planning Commission, reasonably related to the overall needs of the County, the existing land use and the County Comprehensive Land Use Plan?
- 6) Is the use consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use?
- 7) Has it been determined that the use will not cause a traffic hazard or congestion?
- 8) Has it been determined that existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness?

## Variances

Complete Application Due: \_\_\_\_\_

- Application
- Application Fee: \$450 (check payable to the Jackson County Treasurer)
- Recording Fee: \$46 (check payable to the Jackson County Recorder)
- Other Information Required: \_\_\_\_\_

Public Hearing Date and Time: \_\_\_\_\_

Finding of Fact Questions:

1. Is the property owner proposing to use the property in a reasonable manner not permitted by the Zoning Ordinance?
2. Is the need for a Variance due to circumstances unique to the property and not created by the property owner?
3. Will the Variance maintain the essential character of the locality?
4. Does the need for a Variance involve more than economic considerations?
5. Is the variance requesting the minimum variance which would alleviate the practical difficulty?

\*After approvals, construction still requires a setback permit to be issued. See staff for more details.

\*More considerations than shown here are given for all requests in Shoreland and Floodplain.