



**Application Fees**

\$275 fee and \$500 escrow

Fees

The application fees pay for administrative staff time related to the assembly and distribution of the application materials, administration of internal and public meetings, publication of the public hearing notice in the Elk River *Star News*, and for postage to mail the required notices to adjacent properties. These fees do not include professional staff review time, recording fees, or additional fees that may occur.

Escrow

The escrow is used to pay consultants for review of land use cases, hours applied to an application by professional staff, as well as recording and additional fees, where required. Staff hours may include time spent on review, site visits, documentation, presentations, meetings, and all inspections. Professional staff services are billed at \$75 per hour.

If the escrow is used in its entirety, the responsible party indicated in Billing Information will be billed monthly for additional services (see Agreement to Pay Costs of Review). Remaining balances will be refunded to the party that posted the escrow.

**Agreement to Pay Costs of Review**

It is the policy of the City of Elk River to require the party indicated in Billing Information for land use approvals and licenses to reimburse the city for costs incurred by the city in reviewing and acting upon applications, so that these costs are not borne by the taxpayers of the city. These costs include all of the city’s out-of-pocket costs for expenses, including the city’s costs for review of the application by the city’s environmental consultant, city engineer, planning staff, city attorney, or other consultants; recording fees, and necessary publication costs excluding public hearing notices. Additionally, these costs do include actual time spent by professional staff on a particular application.

If payment is not received with the application, the city may return the application for failure to comply with the requirements for processing the application or may suspend the application review process.

The city will invoice the party indicated in Billing Information for costs incurred after the escrow is depleted, and payment will be due within thirty (30) days.

Payment for costs will be required whether the application is granted or denied and unpaid fees may be assessed to property taxes, with penalty.

The undersigned has received the above policy regarding the payment of costs of review, understands that reimbursement to the city of costs incurred in reviewing the application will be required as set forth in the policy, agrees to reimburse the city as required in the policy, and make payment when billed by the city.

**Billing Information** Same as Applicant  Same as Property Owner  Different, as below  (Check one)

Name: \_\_\_\_\_ E-mail address: \_\_\_\_\_@\_\_\_\_\_

Address: \_\_\_\_\_  
Street City State Zip Code

Phone: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Public Information**

Except for personal information, all forms of correspondence to and from staff, consultants, city attorney, and public officials are considered public information.

## **Application Requirements**

Each of following applicable requirements (unless waived by staff) shall be submitted:

- ❑ Application fee
- ❑ **Full legal description** of the subject property **in an editable Word format**
- ❑ Site Plan showing all dimensions of proposed structure and proposed setbacks.
- ❑ For a variance: A typewritten narrative explaining what the application is for, how it exceeds the requirements, and how all five criteria for a variance (see page 2) are met shall be submitted.
- ❑ For a zoning decision: A typewritten narrative explaining why the applicant feels the zoning decision is in error.
- ❑ All submitted documents shall be:
  - One (1) hard copy of all required drawings at a scale no smaller than 1" = 50', and no larger than 24"x36"
  - Two (2) sets of hard copies of all required drawings at 11"x17"
  - Provided in a digital format (e.g. .pdf, .jpeg, .doc, .dwg) at a resolution of at least 300 dpi.  
*Flash drives, CDs, and email are acceptable.*
  - Folded (rolled drawings will not be accepted)
- ❑ All other information as determined by City Staff

In order for an application to be considered complete, all required information must be submitted by the application deadline. In accordance with state statute §15.99, subd. 3, the city is required to notify an applicant within 15 business days if information is missing. Complete applications will be processed in accordance with MN Statutes Chapter 462.358.

*I understand if all of the required/requested information is not submitted within 15 calendar days after my application has been submitted, this application will be returned incomplete and the next application deadline will be the following month.*

**Applicant Signature:** \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

(Page intentionally left blank)

This page is for the applicant's reference; it does not need to be submitted.

The narrative is your opportunity to describe, promote, and sell your proposal to the Board of Adjustment and City Council (if needed).

Your typewritten narrative should explain your request in detail AND how the **five bolded criteria** below are met in order to be granted a variance.

If the five criteria are not answered and submitted within 10 calendar days after the application has been submitted, the application will be returned incomplete and the next application deadline will be the following month.

- (a) A variance may be requested only by the owner of the property (petitioner) to which the variance would apply. A variance may not be granted which would allow the use of property in a manner not permitted within the applicable zoning district, provided that the board may grant a variance for the temporary use of a single-family dwelling as a two-family dwelling. In granting any variance, the board may prescribe conditions to ensure substantial compliance with this article and to protect adjacent property, including, without limitation, an expiration date. The violation of any written condition shall constitute a violation of the ordinance. No request for a variance may be resubmitted sooner than six months following denial. A variance shall become void within two years following issuance unless substantial action has been taken by the petitioner in reliance thereon.
- (b) A variance may be granted by the board only if it finds that:
  - (1) The variance is in harmony with the general purpose and intent of the ordinance.**
  - (2) The variance is consistent with the City of Elk River comprehensive plan.**
- (c) Variances may be granted when the petitioner establishes that there are practical difficulties in complying with the zoning ordinance. Practical difficulties means that:
  - (1) The petitioner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;**
  - (2) The plight of the petitioner is due to circumstances unique to the property not a consequence of the petition's own action or inaction; and**
  - (3) The variance, if granted, will not alter the essential character of the locality.**
- (d) Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

Please contact staff listed below if you have questions regarding the submittal requirements.

### **Primary City Staff Resources**

**Zack Carlton** - *Community Development Director*  
763.635.1035  
[zcarlton@ElkRiverMN.gov](mailto:zcarlton@ElkRiverMN.gov)

**Jennifer Green** - *Senior Administrative Assistant*  
763.635.1032  
[jgreen@ElkRiverMN.gov](mailto:jgreen@ElkRiverMN.gov)

**Chris Leeseberg** - *Senior Planner*  
763.635.1033  
[cleeseberg@ElkRiverMN.gov](mailto:cleeseberg@ElkRiverMN.gov)

**Justin Femrite** - *Public Works Director/Chief Engineer*  
763.635.1051  
[jfemrite@ElkRiverMN.gov](mailto:jfemrite@ElkRiverMN.gov)

**Suzanne Fischer** - *Environmental Services*  
763.635.1030  
[sfischer@ElkRiverMN.gov](mailto:sfischer@ElkRiverMN.gov)

**Brandon Wisner** - *Stormwater Coordinator*  
763.635.1054  
[bwisner@ElkRiverMN.gov](mailto:bwisner@ElkRiverMN.gov)

**Mark Pistulka** - *Building Official*  
763.635.1066  
[mpistulka@ElkRiverMN.gov](mailto:mpistulka@ElkRiverMN.gov)

**Jolene Richter** - *Deputy Clerk*  
763.635.1004  
[jrichter@ElkRiverMN.gov](mailto:jrichter@ElkRiverMN.gov)

### **Additional Resources**

**Roxy Robertson** - *WSB Wetland Contact*  
763.541.4800  
[RRobertson@wsbeng.com](mailto:RRobertson@wsbeng.com)

Elk River Municipal Utilities  
**Theresa Slominski** - *General Manager*  
763.635.1334  
[tslominski@ermumn.com](mailto:tslominski@ermumn.com)

Sherburne County  
**Andrew Witter** - *Public Works Director*  
763.765.3302  
[publicworks@co.sherburne.mn.us](mailto:publicworks@co.sherburne.mn.us)

MnDOT  
**Tom Cruikshank** – *Principal Planner District 3*  
320.223.6526  
[thomas.cruikshank@state.mn.us](mailto:thomas.cruikshank@state.mn.us)

MnDOT  
Metro Development Reviews  
[metrodevreviews.dot@state.mn.us](mailto:metrodevreviews.dot@state.mn.us)

Northern Natural Gas Company  
**Bryan Kruger** - *Senior Right-of-Way Agent*  
651.456.1735  
[bryan.kruger@nngco.com](mailto:bryan.kruger@nngco.com)

CenterPoint Energy  
**Andrew Balgobin**  
612.321.5480  
[andrew.balgobin@CenterPointEnergy.com](mailto:andrew.balgobin@CenterPointEnergy.com)

CenterPoint Energy  
**Jake Schwietering**  
763.785.5432  
[jake.schwietering@CenterPointEnergy.com](mailto:jake.schwietering@CenterPointEnergy.com)

Connexus Energy  
[info@connexusenergy.com](mailto:info@connexusenergy.com)

This page is for the applicant's reference; it does not need to be submitted.

**2022 Planning Commission & City Council Meeting Schedule**  
For Review of Planning Applications

<b>Application Deadline</b>	<b>Parks and Recreation</b>	<b>Planning Commission* and Board of Adjustments**</b>	<b>City Council</b>
January 31	February 9	February 23	March 21
February 28	March 9	March 22	April 18
March 28	April 13	April 26	May 16
April 25	May 11	May 24	June 20
May 31	June 8	June 28	July 18
June 27	July 13	July 26	August 15
July 25	August 10	August 23	September 19
August 29	September 14	September 27	October 17
September 26	October 12	October 25	November 21
October 31	November 9	November 22	December 19
November 28	December 14	December 20	Jan 17, 2023 (Tues)
December 27	January 11, 2023	Jan 24, 2023	Feb 21, 2023 (Tues)

\* Major revisions to projects as a result of the Wetland Technical Evaluation Panel review will cause a tabling to the following month's Planning Commission meeting.

**Applications requiring only City Council review:**

- Administrative Subdivision (Simple Plat or Lot Split)
- Easement Vacation
- Final Plat
- Platted Exemption (Consent Agenda)

**Applications requiring both Planning Commission and City Council review:**

- Appeal
- Conditional Use Permit
- Interim Use Permit
- Land Use Amendment
- Ordinance Amendment
- Preliminary Plat
- \*\* Variances – the Planning Commission meets as the Board of Adjustments  
*(Automatic appeal to City Council if denied)*
- Zone Change

**All required application materials must be submitted by the deadline. Incomplete applications will be returned to the applicant for submission during the next application cycle.**