

Planning Memorandum

To: Sunfish Lake Mayor Dan O'Leary and City Council Members

From: Lori Johnson, City Planner

Date: 04/05/2022

Re: Code Amendment for Section 1201.10 of the Zoning Ordinance--Schedule of Administrative Fees, Charges and Expenses
WSB Project No. 019575-000

GENERAL INFORMATION

Applicant: City of Sunfish Lake

Code Sections: **1201.10 Schedules of Administrative Fees, Charges and Expenses**
1203. Administration – Amendments

Attachments: Ordinance
Section 1201.10 of the Zoning Ordinance—current fee schedule
Draft Application Planning or Zoning Request

Deadline for Agency Action:	Application Complete Date:	NA
	60 Days:	NA
	City Council:	NA
	Extension Letter Mailed:	NA
	120 Days:	NA

CONSIDERATIONS RELATED TO THE REQUEST

1. Overview.

The City of Sunfish Lake is requesting a Zoning Code Amendment to Section 1201.10, Schedules of Administrative Fees, Charges and Expenses. The purpose of this amendment is to update the fee schedule and escrow amounts to reflect current costs for land use applications and fees.

The existing fee schedule was last updated in 2016. Given that was over 6 years ago, there is a need to update the existing fee schedule to reflect updated costs of processing land use applications in the City of Sunfish Lake. The existing ordinance establishes a monetary amount for fees and escrows for each type of land use application in the city.

The monetary base fee is considered nonrefundable and it goes towards the cost associated with the time city staff members (other than the City Planner and City Engineer) put into each application.

The escrow amount is paid by applicants and/or homeowners and is meant to cover the cost of the City Planner's and City Engineer's time in processing the land use applications and seeing the project through to fruition, which includes site inspections. The escrow amount is refundable if there are excess escrow funds left at the end of the project. This means that if the escrow amount that was submitted was greater than the city's planning and engineering costs for the project, the amount remaining will be refunded. There have been several instances within the past year where the City has had to collect additional escrow funds from homeowners because the original escrow amount did not cover Planning and Engineering costs.

City staff researched how other comparable cities address escrows for land use applications. The research related to major site plan review is summarized below:

- Eden Prairie—requires a \$5,000 escrow
- North Oaks—requires a \$1,000 escrow
- Wayzata—requires a range from \$1,575 to \$7,030
- Edina—requires range from \$10,000 to \$12,500 (higher amount includes a demo permit)

The City Planner and City Engineer also researched WSB's invoices to determine the average cost of a major site plan review application. After looking at invoices from the past few years, it has been determined that the average cost for WSB Planning and Engineering services for reviews and inspections for land use applications for new homes with demolition was \$12,500, which correlates to what Edina requires for escrows.

According to the existing fee schedule, a request for major site plan approval has a \$500 base fee and a \$2,500 escrow. These amounts are not sufficient to cover the average cost of WSB services. Therefore, the following changes are proposed to the fee schedule in section 1201.10 of the Zoning Ordinance:

- Minor Subdivision
 - Base: \$150
 - Escrow: \$5,000
 - Total: \$5,150
- Major Subdivision
 - Base: \$300
 - Escrow: \$5,000
 - Total: \$5,300
- Final Plat
 - Base: \$300
 - Escrow: \$5,000
 - Total: \$5,300
- Conditional Use Permit, Interim Use Permit, Variance
 - Base: \$300
 - Escrow: \$5,000
 - Total: up to \$5,300
- Rezoning or Text Amendment

- Base: \$300
 - Escrow: \$5,000
 - Total: \$800
- Minor Site Plan Review
 - Base: \$300
 - Escrow: \$5,000
 - Total: \$5,300
- Major Site Plan Review
 - Base: \$750
 - Escrow: up to \$10,000
 - Total: up to \$10,750
- Administrative Permit
 - Base: \$200
 - Escrow: \$5,000
 - Total: \$5,200

All other fees listed in the 2016 fee schedule will remain unchanged. Please note that a smaller fee and escrow amount is required for projects that are less time intensive and that can be closed out more quickly than a major site plan approval project.

The Planning Commission reviewed the proposed code amendment at their meeting on March 17th, 2022. There were three comments and recommended changes to the draft land use application. These changes are as follows:

- Provide language in the application that indicates when and how escrow funds will be monitored to ensure that enough funds are available.
- Provide language in the application that provides an estimated time frame for the return of escrow funds.
- Change the fee schedule to reference fees as “base” fees.

Since the Planning Commission meeting I have added language to the application that indicates escrow funds will be monitored on a bi-monthly basis by city staff. Additionally, the application now states that “the City Engineer and City Planner will close out the project and the City Council will approve your refund at the next available City Council meeting. After City Council approval it will take approximately 30 days to receive the refund check from the city.” Finally, the application has been changed to include the term “base” to all fee language.

The Planning Commission voted to recommend approval of the fee schedule change on a 4-0 vote, with the inclusion of the comments stated above.

RECOMMENDATION

Based on research into WSB invoices and other cities escrow requirements, staff recommends approval of the zoning code amendment to Section 1201.10 of the Zoning Ordinance.

Findings of Fact:

1. The proposed zoning code amendment to section 1201.10 will establish land use application fees as follows:

Minor Subdivision
Base: \$150
Escrow: \$5,000

Total: \$5,150
Major Subdivision
Base: \$300
Escrow: \$5,000
Total: \$5,300
Final Plat
Base: \$300
Escrow: \$5,000
Total: \$5,300
Conditional Use Permit; Interim Use Permit, Variance
Base: \$300
Escrow: \$5,000
Total: up to \$5,300
Rezoning or Text Amendment
Base: \$300
Escrow: \$5,000
Total: \$800
Minor Site Plan Review
Base: \$300
Escrow: \$5,000
Total: \$5,300
Major Site Plan Review
Base: \$750
Escrow: up to \$10,000
Total: up to \$10,750
Administrative Permit
Base: \$200
Escrow: \$5,000
Total: \$5,200

2. All other fees listed in Section 1201.10 of the Zoning Ordinance and not called out specifically above, will remain unchanged.
3. The planning report dated 3/17/2022 prepared by WSB is incorporated herein by reference.
4. The City has initiated the proposed code amendment related to the 2016 fee schedule.
5. Requests for a zoning code amendment to section 1201.10 require Planning Commission review and City Council approval.
6. Upon review of the planning report and application information, the Planning Commission found that the proposed zoning code amendment met the requirements for the establishment of a new ordinance as described in Section 1203 of the City of Sunfish Lake Zoning Ordinance.

**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. 2022-__

**AN ORDINANCE AMENDING SECTION 1201.10 OF THE SUNFISH LAKE ZONING
CODE RELATING TO FEES AND CHARGES FOR PERMITS, LAND USE
APPROVALS, SITE PLAN APPROVALS, BURNING PERMITS AND SEPTIC SYSTEM
PERMITS**

The City Council of Sunfish Lake hereby ordains:

SECTION 1. AMENDMENT. Section 1201.10 of the Sunfish Lake Zoning Code is hereby restated, readopted and amended to read as follows:

**SECTION 1201.10 SCHEDULES OF ADMINISTRATIVE FEES, CHARGES AND
EXPENSES:**

The Council does hereby establish a schedule of fees, charges and expenses and a collection procedure for zoning applications, building permits, variances, conditional uses, appeals, site plan approvals and other matters as set forth in this Section. The schedule of fees may be altered or amended only by the Council. The following fees and escrow amounts apply to the matters as so identified

<u>CITY OF Sunfish Lake MINNESOTA</u>			
<u>FEE SCHEDULE</u>			
<u>ITEM</u>	<u>BASE FEE¹</u>	<u>ESCROW¹</u>	<u>TOTAL²</u>
Subdivision Minor	150	550-5000	700-5150
Major	300	2,700-5000	3,000-5300
<u>Final Plat</u>	<u>300</u>	<u>5000</u>	<u>5300</u>
Conditional Use Permit / Interim Use Permit / Major Variance / Appeals	200-300	up to 600-5000	Up to 800-5300
Other	200	up to 600	up to 800
Rezoning or Text Amendment	200-300	600-5000	800-5300
Site Plan Review Minor	n/a-300	400-5000	400-5300
Major	250-750	up to 1,200-10000	up to 1,450-10750
Administrative Permit / Minor Variance	n/a-200	200-5000	200-5200
Site Inspections - Required @ Pre-Construction and Post-Construction ³	75 (per inspection)	n/a	150

Water Extraction Permit	300	200	500
Burning Permit	45	n/a	45
Building Permit / Pool Permit	See City Code, Section 1004.01 Subd. 1		
Grading Permit	See Uniform Building Code Table A-33-B (1997 UBC) for grading fee breakdown by cubic yards. Property owner will also be responsible for all review costs.		
Demolition Permit	25	n/a	25
Septic System Permit	Inspector - 350 (including plan review, inspection, and soil verification) Dakota County - 40 City – 25	n/a	415
Septic System Additional Inspections, Re-inspections, Special Inspections and Special Analysis	55 per hour with one hour minimum	n/a	55 per hour with a one hour minimum
Heating/Air Conditioning Permit (Replacement/New Construction)	See City Code, Section 1004.01		
Mechanical Permit (Replacement/New Construction)	See City Code, Section 1004.01		

Zoning Ordinance	\$35 per copy
Subdivision Ordinance	\$15 per copy
Comprehensive Plan	\$35 per copy

¹ The applicant is required to pay a base fee and escrow deposit to be charged against the time and expenses necessary to process the request. The base fee will be applied to the project costs if the project proceeds completely through the review process, however, is non-refundable if a project is abandoned midway through the process. If the review and consideration of the request exceeds the cost covered by the escrow deposit as a consequence of lack of information, site or design problems, or questions raised by the staff, Planning Commission, or City Council, all processing of the request will be halted until an estimation of completion is determined and a new escrow deposit made.

Following the City's decision on the request, the City Treasurer will refund any portion of the escrow deposit remaining or bill the applicant for the balance due. Permit and site inspection fees are separate from and in addition to the base fee and escrow required to process a planning/zoning request.

² All fees must be paid at the time of application and any additional fees required as stipulated in ¹ above shall be paid before issuance of a certificate of occupancy permit. If payment is not received from the applicant, the property owner is liable for the unpaid fee balance either by direct payment or a special assessment against the

property.

³ Depending on the issues of a project, additional site inspections may be required by individual City consultants and will be billed on a time and materials basis.

If work, construction, or improvements have begun prior to the landowner receiving a required land use approval (such as a re-zoning, conditional use permit, interim use permit, variance or site plan approval), then in addition to the fees set forth above, the landowner or applicant must pay an additional fee of \$250.00; this additional fee is for the purpose of defraying the City's administrative and documentation costs in (a) verifying the condition of the property prior to the work (b) verifying and documenting the work that was performed prior to obtaining the requisite approval and (c) analyzing whether the work already performed complies with the City Code standards and the conditions that may be imposed as part of the approval process. Further, the landowner or applicant shall reimburse the City for all legal, planning, forestry and engineering costs incurred by the City relating to the tasks of verifying, documenting and analyzing the prior work.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this 5th day of April, 2022.

Dan O'Leary, Mayor

ATTEST:

Catherine Iago, City Clerk

Sunfish Lake Minnesota ⁽¹⁾

1201. Short Title, Purpose and Scope

Category: Article XII - Zoning Ordinance (/ordinances/zoning-ordinance)

SECTION 1201.01 SHORT TITLE:

This Ordinance shall be known and may be cited as "The Sunfish Lake Zoning Ordinance."

SECTION 1201.02 PURPOSE:

This is an Ordinance for the purpose of promoting and protecting the public health, safety and general welfare, by regulating the location, size of buildings and other structures; the percentage of lot which may be occupied; the size of yards and other open spaces; the density and distribution of population; the uses of buildings and structures; and the use of land.

SECTION 1201.03 INTENT:

To protect the public, such provisions are intended to provide for adequate light and air, safety from fire and other danger; prevent undue concentration of population; provide ample parking facilities; regulate the location and operation of land uses; preserve property values by providing for orderly and compatible development of the various land uses; encourage energy conservation and the use of renewable energy resources; provide for administration of this Ordinance; provide for amendments hereto; and provide for official recording of this Ordinance and all amendments hereto.

SECTION 1201.04 RELATION TO COMPREHENSIVE MUNICIPAL PLAN:

It is the policy of the City of Sunfish Lake that the enforcement, amendment, and administration of this Ordinance be accomplished with due consideration of the recommendations contained in the City Comprehensive Plan as developed and amended from time to time by the Planning Commission and City Council of the City. The Council recognizes the City Comprehensive Plan as the policy to regulate land use and development in accordance with the policies and purpose herein set forth.

SECTION 1201.05 STANDARD REQUIREMENTS:

A. More Restrictive Provisions to Govern: Where the conditions imposed by any provisions of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, code, statute, resolution or regulation, the regulations which are more restrictive or impose higher standards or requirements shall prevail.

B. Interpretation: In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

C. Conformity With This Ordinance: No building or structure shall be erected, converted, enlarged, constructed, reconstructed, moved or altered, and no building, structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Ordinance and without a building permit being issued when required by this Ordinance.

D. Building Occupancy: Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Ordinance.

E. Non-Reduction of Yards or Lots: No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

F. Regulation Application: In their application, these regulations shall not abrogate any easement, covenant, or any other private agreement where such is legally enforceable, provided, that where the regulations of this Ordinance are more restrictive, or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Ordinance shall be controlling.

SECTION 1201.06 CONDITIONAL USES:

Any established use or building legally existing prior to the establishment of this Ordinance and which is herein classified as a conditional use may be continued in like fashion and activity and shall automatically be considered as having received conditional use permit approval. Any change to such a use, or any other subsequently approved conditional use, shall however, require a new conditional use permit be processed according to this Ordinance.

SECTION 1201.07 MONUMENTS:

For the purpose of this Ordinance, all international, federal, state, county and other official monuments, benchmarks, triangulation points, and stations shall be preserved in their precise locations; and it shall be responsibility of the applicant to insure that these markers are maintained in good condition during and following construction and development. All section, 1/4 section and 1/16 section corners shall be duly described and tied.

SECTION 1201.08 USES NOT PROVIDED WITHIN ZONING DISTRICTS:

Whenever in any zoning district a use is neither specifically allowed nor denied, the use shall be considered prohibited. In such cases, the City Council or the Planning Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable and if so what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The City Council, Planning Commission or property owner, upon receipt of the staff study shall, if appropriate, initiate an amendment to this Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the City.

SECTION 1201.09 SEPARABILITY:

It is hereby declared to be the intention of the City that the several provisions of this Ordinance are separable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

20, 24, 26, 29 SECTION 1201.10 SCHEDULES OF ADMINISTRATIVE FEES, CHARGES AND EXPENSES:

The Council does hereby establish a schedule of fees, charges and expenses and a collection procedure for zoning applications, building permits, variances, conditional uses, appeals, site plan approvals and other matters as set forth in this Section. The schedule of fees may be altered or amended only by the Council. The following fees and escrow amounts apply to the matters as so identified:

CITY OF Sunfish Lake MINNESOTA

2016 FEE SCHEDULE

ITEM	BASE FEE1	ESCROW1	TOTAL2
Subdivision Minor	150	550	700

Major	300	2,700	3,000
Conditional Use Permit / Interim Use Permit /			
Major Variance / Appeals	200	up to 600	up to 800
Other	200	up to 600	up to 800
Rezoning or Text Amendment	200	600	800
Site Plan Review Minor	n/a	1,200	1,200
Major	500	up to 2,500	up to 3,000
Administrative Permit / Minor Variance	n/a	200	200
Site Inspections-Required at Pre-Construction and Post-Construction 3	75 (per inspection)	n/a	150
Water Extraction Permit	300	200	500
Burning Permit	45	n/a	45
Building Permit, Pool Permit and Related			
Building Permit Fees	See City Code, Section 1004.01		
Grading Permit	See Uniform Building Code Table A-33-B (1997 UBC) for grading fee breakdown by cubic yards. Property owner will also be responsible for all review costs.		
Demolition Permit	See City Code, Section 1004.01 Inspector - 350 (including plan review, inspection, and soil verification)		
Septic System Permit	Dakota County - 40 City – 25	n/a	415
Septic System Additional Inspections, Re-inspections, Special Inspections and Special Analysis	55 per hour with one hour minimum	n/a	55 per hour with one hour minimum
Plumbing Permit (Replacement/New Construction)	See City Code, Section 1004.01		
Mechanical Permit (Replacement/New Construction)	See City Code, Section 1004.01		
Zoning Ordinance	\$35 per copy		
Subdivision Ordinance	\$15 per copy		
Comprehensive Plan	\$35 per copy		

1 The applicant is required to pay a base fee and escrow deposit to be charged against the time and expenses necessary to process the request. The base fee will be applied to the project costs if the project proceeds completely through the review process, however, is non-refundable if a project is abandoned midway through the process. If the review and consideration of the request exceeds the cost covered by the escrow deposit as a consequence of lack of information, site or design problems, or questions raised by the staff, Planning Commission, or City Council, all processing of the request will be halted until an estimation of completion is determined and a new escrow deposit made.

Following the City's decision on the request, **the City Treasurer will refund any portion of the escrow deposit remaining or bill the applicant for the balance due. Permit and site inspection fees are separate from and in addition to the base fee and escrow required to process a planning/zoning request.**

2 All fees must be paid at the time of application and any additional fees required as stipulated in 1 above shall be paid before issuance of a certificate of occupancy permit. If payment is not received from the applicant, the **property owner is liable for the unpaid fee balance either by direct payment or a special assessment against the property.**

3 Depending on the issues of a project, additional site inspections may be required by individual City consultants and will be billed on a time and materials basis.

If work, construction, or improvements have begun prior to the landowner receiving a required land use approval (such as a re-zoning, conditional use permit, interim use permit, variance or site plan approval), then in addition to the fees set forth above, the landowner or applicant must pay an additional fee of \$250.00; this additional fee is for the purpose of defraying the City's administrative and documentation costs in (a) verifying the condition of the property prior to the work (b) verifying and documenting the work that was performed prior to obtaining the requisite approval and (c) analyzing whether the work already performed complies with the City Code standards and the conditions that may be imposed as part of the approval process. Further, the landowner or applicant shall reimburse the City for all legal, planning, forestry and engineering costs incurred by the City relating to the tasks of verifying, documenting and analyzing the prior work.

SECTION 1201.11 AUTHORITY:

This Ordinance is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Section 462.351 to 462.363.

SECTION 1201.12 COMPREHENSIVE REVISION:

The Council intends this Ordinance to be a comprehensive revision to Chapter XII of the City Code and all other ordinances inconsistent with this Ordinance, as amended. Any act done, offense committed, or rights accruing or accrued, or liability, penalty incurred or imposed prior to the effective date of this Ordinance is not affected by its enactment.

CITY OF *Sunfish Lake* MINNESOTA

APPLICATION FOR CONSIDERATION OF PLANNING/ZONING REQUEST

City Planner
Lori Johnson
ljohnson@wsbeng.com
612.364.3029
WSB
701 Xenia Ave S, Suite 300
Minneapolis, MN 55416

WSB Project No: _____
Fee: _____ Pd. _____
Escrow Amt: _____ Pd. _____
Date Filed: _____

Please read carefully and answer all questions thoroughly. Only complete applications will be accepted after validation by the City Planner and prior to acceptance of required processing fees/deposits.

Please refer to the Development Review Schedule for submittal dates.

Type of Request(s):

_____	Preliminary Plat / Final Plat
_____	Site and Building Plan (Major or Minor)
_____	Site Alteration/Tree Preservation Plan
_____	Lot Division/Consolidation
_____	Rezoning
_____	Variance
_____	Conditional Use Permit / Interim Use Permit
_____	Comprehensive Plan or Ordinance Amendment
_____	Administrative Permit

Street Location of Property:

Legal Description of Property
(Attach additional sheet if necessary):

Owner: Name:

Address: _____

City: _____ State and Zip: _____

Phone(Home): _____ (Cell) _____

Email (required): _____

Applicant (If other than owner):

Name: _____

Address: _____

City: _____ State and Zip: _____

Phone(Home): _____ (Business): _____

Email (required): _____

Applicant's Relationship to Property/Owner:

Description of Request(s):

Reason for Request:

Existing Use of the Property:

APPLICATION FEES (Base fees are non-refundable, escrows are only refundable with a positive end balance)

- Minor Subdivision
 - Base Fee: \$150
 - Escrow: \$5,000
 - Total: \$5,150
- Major Subdivision
 - Base Fee: \$300
 - Escrow: \$5,000
 - Total: \$5,300
- Final Plat
 - Base Fee: \$300
 - Escrow: \$5,000
 - Total: \$5,300
- Conditional Use Permit; Interim Use Permit, Variance
 - Base Fee: \$300
 - Escrow: \$5,000
 - Total: up to \$5,300
- Rezoning or Text Amendment
 - Base Fee: \$300
 - Escrow: \$5,000
 - Total: \$800
- Minor Site Plan Review
 - Base Fee: \$300
 - Escrow: \$5,000
 - Total: \$5,300
- Major Site Plan Review
 - Base Fee: \$750
 - Escrow: \$10,000
 - Total: \$10,750
- Administrative Permit
 - Base Fee: \$200
 - Escrow: \$5,000
 - Total: \$5,200

Required Fees/Escrow Deposit

The most current filing fees and escrow deposit amounts required by the City are provided above for your reference. The City of Sunfish Lake does not employ full time staff. All staff members are consultants requiring the City to pay for their services. Therefore, the City of Sunfish Lake operates on a pass-through fee system whereby all review costs related to the processing of applications are the property owner's responsibility rather than that of the tax-paying residents.

All fees and escrows must be paid at the time of application. The application fee covers the administrative costs incurred by the City Treasurer, Forester and Attorney. The escrow covers the entire cost of the time spent on each application for the City's Planning and Engineering consultant, WSB. The consulting Planner and Engineer will make every effort to keep costs at a minimum. You can have a great impact on controlling these costs by submitting complete and comprehensive documents, plans, and designs which respond to the application procedures that have been outlined in this application and that comply with city codes. Incomplete submittals result in increased review

time, unnecessary costs for the applicant, and potentially, rejection of an application. **Communication and negotiation with your neighbors about your proposed improvements and adherence to all City and State regulations can also decrease the amount of time spent on applications.** Please keep in mind that any questions or concerns from affected neighbors will be addressed by staff and could result in extra inspection time from the consulting staff. **Communication with neighbors and addressing of their concerns prior to application will likely save you time and money in your approval process.**

Your signature on the application obligates you to pay any and all fees which are incurred from the time of application submittal through project completion. The escrow deposit is applied to the project costs when you proceed through the entire process and complete the project. However, if a project is abandoned before approval or completion, the escrow amount for the staff review time spent is retained by the City. If there are outstanding negative balances for your project, you are obligated to pay for the outstanding costs. Denial of a project does not negate the review costs generated or money owed. The escrow deposit is simply a reasonable estimate of project review costs based upon the average cost of past similar projects. It is not uncommon for the actual project cost to vary higher or lower than what was initially collected, and you may be asked to submit another deposit prior to approval of your project, depending upon individual circumstances. The City Planner will monitor the escrow balance for your project and communicate outstanding balances if there are any. Bi-monthly communication on escrow balances will be distributed by the City Planner.

You will be billed at the end of the project by the City Treasurer if there is a negative balance associated with your application and you will be provided with a detailed itemization of project review costs. Incomplete applications, lack of required plans or detailed information, changes in original plans, and additional site inspections needed due to site design, installation or enforcement problems will add significant cost to the project. We will do everything we can to help you avoid these problems from the onset.

If there is a positive escrow balance at the end of your project, the City Engineer and City Planner will close out the project and the City Council will approve your refund at the next available City Council meeting. After City Council approval it will take approximately 30 days to receive the refund check from the city.

NOTE: The City has experienced problems in the past with builders/owners not complying with approved building plans and/or not completing landscape plans, etc. which has angered residents. We want you to be aware that violation of any terms and conditions in your approved City Council resolution arising from this application subjects you to the sanctions of Sunfish Lake Ordinance 1210, which could include a citation.

By signing this application, you acknowledge that failure to comply with all requirements could subject you to a violation of Section 1210 of our ordinances.

Signature(s) of Owner(s): _____ Date:

_____ Date:

Signature(s) of Applicant(s): _____ Date:

Filing Requirements

* All applications require a narrative detailing the application request and all pertinent information regarding such request.

Rezoning or Text Amendment, Comprehensive Plan Amendment:

1. Completed application form indicating location of the property, name and address of the property owner and applicant. Application must be signed by the applicant and the property owner (or an explanation given why it is not signed). A hard copy of the application and the associated check for fee/escrow payment must be mailed to:

Lori Johnson, Senior Professional Community Planner
WSB
701 Xenia Avenue S., Suite 300
Minneapolis, MN 55416

2. A written narrative must be submitted outlining the reasons for the rezoning/text amendment and explaining the rezoning/text amendment's relation to the proposed development.
3. One electronic copy of a certified survey of the property showing the following information (at a minimum):
 - a) Scale and North arrow.
 - b) Dimensions of the property.
 - c) Location and use of existing structures within a 100-foot radius.
 - d) Existing adjacent public and private streets and easements affecting the property.
 - e) Limits of wetlands or watercourses
4. General development plan showing the potential development of the property indicating proposed streets, buildings, and landscaping.
5. A grading and drainage plan, if grading is proposed, that indicates all proposed changes to the grade of the lot associated with any development related to a zoning or text amendment. If the property is identified as containing any possible wetlands, a delineation report of all identified wetland areas prepared by a certified wetland professional must be included with the submittal of this application.
6. Electronic copies of all plans must be emailed to ljohnson@wsbeng.com.

Conditional Use Permit/Interim Use Permit, Major and Minor Site Plan Review :

1. Completed application form indicating location of the property, name and address of the property owner and applicant. Application must be signed by the applicant and the property owner (or an explanation given why it is not signed). A hard copy of the application and the associated check for fee/escrow payment must be mailed to:

Lori Johnson, Senior Professional Community Planner
WSB
701 Xenia Avenue S., Suite 300
Minneapolis, MN 55416

2. A written narrative must be submitted outlining the reasons for the request and explaining the details of the request.

3. If the property is identified as containing any possible wetlands, a delineation report of all identified wetland areas prepared by a certified wetland professional must be included with the submittal of this application.
4. One electronic copy of a certified survey of the property showing the following information:
 - a) Site plan – (appropriate size and scale) denoting location, dimension and configuration of existing and proposed buildings and uses thereof, parking stalls, vehicular access ways, pedestrian ways, fencing, proposed and existing landscaping, recreational areas, spaces between buildings, street rights-of-way, existing street improvements. Existing topography must also be depicted.
 - b) Building plans – color elevations, color landscape plans, and floor plans may be required for certain projects.
 - c) Detailed lighting plans that include foot candle readings and fixture cut-sheets.
 - d) Grading and Drainage Plans if the property is being disturbed and the grade of the property is being changed.
5. Electronic copies of all plans must be emailed to ljohnson@wsbeng.com.

Minor Subdivision:

1. Completed application form indicating location of the property, name and address of the property owner and applicant. Application must be signed by the applicant and the property owner (or an explanation given why it is not signed). A hard copy of the application and the associated check for fee/escrow payment must be mailed to:

Lori Johnson, Senior Professional Community Planner
WSB
701 Xenia Avenue S., Suite 300
Minneapolis, MN 55416
2. A written narrative must be submitted outlining the reasons for the request and explaining the details of the request.
3. If the property is identified as containing any possible wetlands, a delineation report of all identified wetland areas prepared by a certified wetland professional must be included with the submittal of this application.
4. One electronic copy of a certified survey of the property showing the following information:
 - a) Site plan – (appropriate size and scale) denoting location, dimension and configuration of proposed buildings and uses thereof, parking stalls, vehicular access ways, pedestrian ways, fencing, landscaped and/or recreational areas, spaces between buildings, street rights-of-way, existing street improvements.
 - b) Building plans – color elevations, color landscape plans, and floor plans may be required for certain projects.
 - c) Grading and Drainage Plans if the property is being disturbed and the grade of the property is being changed.
 - e) A preliminary plat or lot split drawing indicating the size and location of all proposed lots within the subdivision.
 - f) If a minor subdivision is being requested, the required survey must indicate how the lot line will be change with the request.
5. Electronic copies of all plans must be emailed to ljohnson@wsbeng.com.

Preliminary and Final Plat

1. Completed application form indicating location of the property, name and address of the property owner and applicant. Application must be signed by the applicant and the property owner (or an explanation given why it is not signed). A hard copy of the application and the associated check for fee/escrow payment must be mailed to:

Lori Johnson, Senior Professional Community Planner
WSB
701 Xenia Avenue S., Suite 300
Minneapolis, MN 55416

2. A written narrative must be submitted outlining the reasons for the request and explaining the details of the request.
3. All plat document submittals shall be submitted in accordance with sections 1306.02 and 1306.03 of the City's subdivision ordinance located at [1306. Plat and Data Requirements \(sunfishlake.org\)](http://1306.PlatingDataRequirements(sunfishlake.org)).
4. Electronic copies of all plans must be emailed to ljohnson@wsbeng.com.

Variance:

1. Completed application form indicating location of the property, name and address of the property owner and applicant. Application must be signed by the applicant and the property owner (or an explanation given why it is not signed). A hard copy of the application and the associated check for fee/escrow payment must be mailed to:

Lori Johnson, Senior Professional Community Planner
WSB
701 Xenia Avenue S., Suite 300
Minneapolis, MN 55416

2. A written narrative must be submitted outlining the reasons for the request and explaining the details of the request. This narrative should include reasoning for why the variance is justified, and one or more of the following criteria must be met for meeting the definition of a practical difficulty:
 - a.) Special conditions may include exceptional topographic or water conditions or, in the case of an existing lot or parcel of record, narrowness, shallowness, insufficient area or shape of the property.
 - b.) Practical difficulties caused by the special conditions and circumstances may not be solely economic in nature, if a reasonable use of the property exists under the terms of the Ordinance.
 - c.) Special conditions and circumstances causing practical difficulties shall not be a result of lot size or building location when the lot qualifies as a buildable parcel.
 - d.) Compliance with the requirements of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance or deny the applicant the ability to put the property in question to a reasonable use and the proposed variance permits the owner to use the property in a reasonable manner.

- e.) The special conditions and circumstances causing the practical difficulties do not result from the actions of the applicant.
 - f.) Granting the variance requested will not confer on the applicant any special privilege that is denied by the Ordinance to other lands, structures or buildings in the same district under the same conditions.
 - g.) The request is not a use variance.
 - h.) The variance requested is the minimum variance necessary to accomplish the intended purpose of the applicant.
 - i.) The request does not create an inconvenience to neighboring properties and uses.
 - j.) The variance requested is in harmony with the purpose and intent of the Ordinance.
 - k.) The variance requested is consistent with the Comprehensive Plan.
 - l.) The variance requested will not alter the essential character of the locality.
3. If the property is identified as containing any possible wetlands, a delineation report of all identified wetland areas prepared by a certified wetland professional must be included with the submittal of this application.
4. One electronic copy of a certified survey of the property showing the following information:
- a) Site plan – (appropriate size and scale) denoting location, dimension and configuration of proposed buildings and uses thereof, parking stalls, vehicular access ways, pedestrian ways, fencing, proposed and existing landscaping, recreational areas, spaces between buildings, street rights-of-way, existing street improvements.
 - b) Building plans – color elevations, color landscape plans, and floor plans may be required for certain projects.
 - c) Detailed lighting plans that include foot candle readings and fixture cut-sheets.
 - d) Grading and Drainage Plans if the property is being disturbed and the grade of the property is being changed.
5. Electronic copies of all plans on a USB flash drive or emailed to ljohnson@wsbeng.com.

Administrative Permits: In the case of administrative permits, the applicant must contact the City Planner for the application materials.

Please note that all Engineering Design Standards and the City's Comprehensive Stormwater Management Plan requirements must be met on all plans submitted with applications. These standards and requirements can be found in Chapter 1216 of the City's Zoning Ordinance.

PROCEDURE

1. By Applicant and Owners:
- a) Submit all filing requirements to the Planning Department in accordance with the approved development review schedule.
 - b) Schedule an onsite application meeting with the City Planner, City Engineer and City Forester.
 - c) Attend one other onsite meeting prior to the Planning Commission review of the application. Adjacent property owners will be notified of this meeting and encouraged to attend. The meeting will allow elected and appointed officials the opportunity to walk the site and review the application.

- d) Attend all Planning Commission and City Council meetings at which the application is scheduled for action.

2. By City Staff:

- a) Schedule public hearing before the Planning Commission. Mail notice of public hearing to property owners within 1000-foot radius of applicant's property.
- b) Place application on an available Planning Commission agenda. Notify applicant and owners of meeting date.
- c) Place application on an available City Council agenda. Notify applicant and owners of meeting date.
- d) Inform applicant and owners of City Council action. If request is granted, provide applicant with a copy of the resolution stating the conditions upon which approval is granted. If denied, provide applicant and owners an explanation of the basis for denial.

Public Meetings. Requests for major site and building plan review, a variance, or a conditional use permit require a public hearing and reviewing by the City of Sunfish Lake Planning Commission and City Council. The Planning Commission reviews the request and makes a recommendation to the City Council. The City Council grants final approval or denial of the project. The City of Sunfish Lake holds Planning Commission meetings on the third Thursday of every month and City Council meetings are held on the first Tuesday of every month, at which time requests may be heard, provided the application, materials, and payment of fees/deposits have been found to be complete. When in-person meetings are held, the designated location of both meetings is First Calvary Baptist Church, 5495 S Robert Trail, Inver Grove Heights, MN 55077. Otherwise, meetings will be held virtually via Zoom. Instructions for accessing the meeting will be described on the meeting agenda (<https://sunfishlake.org/agendas>). Both Planning Commission and City Council meetings begin at 7:00 PM. In addition, a site visit will be scheduled prior to the Planning Commission meeting to provide officials, staff, or neighbors an opportunity to observe conditions impacting the requested project. Actual meeting dates and times should be verified with City Staff, as holidays sometimes necessitate a change, and each request must be included on a meeting agenda. **The property owner and building representative (e.g., contractor or architect) must be present at the meetings unless otherwise informed by the City Planner.**

Timetable. Please see the attached "Development Review Schedule" for application submittal deadlines and City meeting dates. City staff reserves the right to request additional information after the initial application. After the Planning Commission's hearing of the request, the commission has up to 30 days to make recommendation to the Mayor and City Council, whereupon the City Council will place the application on the agenda of its next regular meeting.

Plan Approval/Changes. Approval of a request may only be granted by the City Council, except for minor site plan reviews and administrative permits which do not require public hearings and may be reviewed and approved by the City Planner. The City Planner, Engineer, Forester and other consultants make recommendation to the City Council regarding the approval or denial of a project based upon the established Ordinances and individual circumstances. The final decision always rests with the City Council who may or may not concur with the consultant(s) recommendation.

When the City Council approves projects, it is based upon the information submitted at the time of application, as well as additional conditions which may be attached to the project. The City Council takes action on an item by approving a resolution which is presented at the City Council meeting. **The City Planner or Building Inspector must be notified of any deviation from approved plans.** If the changes are significant, the project may have to be reviewed again by the Planning Commission and City Council.

Site Inspections. All building and improvement projects within Sunfish Lake require site inspections before a Certificate of Occupancy and formal approval will be given. The inspections are required prior to project start and when the project is complete. **It is the contractor's and/or property owner's responsibility to notify the City Planner of these stages when a site inspection is to occur.** A meeting will be set up on the project site with the City Planner, the property owner, contractor/builder, City Building Official and other staff when needed. In some cases, the City Planner may waive attendance by one or more individuals if site circumstances, conditions of project approval, past performance, etc. warrant such. Such costs will be taken out of the escrow funds when the City Planner or Engineer are involved.

Security Deposit. At the final site inspection, any work not yet complete or any conditions of approval not yet met will be evaluated. The City will then determine whether an escrow deposit will be required before the certificate of occupancy or formal approval is given. This will apply to primarily site design issues such as grading, seeding/sodding or erosion control, perimeter landscaping or screening, and drainage issues related to lakes or wetlands which many times cannot be addressed or completed during times of bad weather. However, utilization of an escrow deposit is not necessarily limited to these items and may also be used to ensure that other aspects of the project are completed properly and in a timely fashion.

Contractor/Property Owner Penalties. Contractors, builders, and/or property owners shall be responsible for utility lines or other public infrastructure (streets, signage) which are damaged or broken within the City during site work and construction. The total costs to repair a broken utility line or other public infrastructure will be the individual's responsibility. As is the case with other fees and review costs owed, the City reserves the right to charge costs or fees for utility line or other public infrastructure repair as a lien or assessment against the property if not paid.