

Stantec
733 Marquette Ave S, Suite 1000
Minneapolis MN 55402



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From: Michelle Hayes <michellehayes@stacymn.org>
Sent: Wednesday, February 1, 2023 10:26 AM
To: Carlson, Phil <Phil.Carlson@stantec.com>
Cc: cityclerk@stacymn.org
Subject: Planning Commission - IUP standards

Hi Phil,
Sharon is out today and I hope you can answer a question for us. Our planning commission and Lent's planning commission met last night to continue their review of our comp plans, ordinances, etc. in preparation for the merger. The question they have is what are the guidelines around timeframe on IUP's? We have a timeframe limit on the validity of ours and they can only be renewed once I believe. The Lent Township however uses theirs as a one time application and has them continue until a certain event happens, such as sell home, etc. They would like to know if as a statutory city, the IUP's can run the way Lent does them or will they need to change to ours?

Thank you!



Michelle Hayes, Finance Director
30955 Forest Blvd
Stacy, MN 55079
651-462-4486
Hours: Monday, Wednesday, Thursday 9-5, Tuesday 11-7, Closed on Friday

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From: Carlson, Phil <Phil.Carlson@stantec.com>
Sent: Wednesday, February 1, 2023 11:12 AM
To: Michelle Hayes
Cc: cityclerk@stacymn.org; Boyum, Dan
Subject: RE: Planning Commission - IUP standards

Michelle,

MN State Statutes allows a municipality to issue interim use permits (IUP) with the guidelines linked and noted below.

- There is no upper time limit on an IUP per State Statute as long as the triggering event or date can be identified with certainty.
- The IUP would run with the land until the triggering event or date. This means the land could change ownership with no impact on the IUP as long as any conditions attached to the IUP are still followed.
- An IUP can be terminated, however, by a change in the zoning ordinance – the use itself could be deleted or other language or map change in the zoning code that would render the use no longer allowed.
- Stacy's code now limits IUPs to no more than 5 years, which is allowed. The new merged city could decide how they want to handle IUPs – they could keep the 5-yr limit or make it open-ended if they wish. There is no right answer.

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<https://www.revisor.mn.gov/statutes/cite/462.3597#:~:text=462.3597%20INTERIM%20USES.&text=An%20%22interim%20use%22%20is%20a.regulations%20no%20longer%20permit%20it.>

462.3597 INTERIM USES.

Subdivision 1. Definition.

An "interim use" is a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

Subd. 2. Authority.

Zoning regulations may permit the governing body to allow interim uses. The regulations may set conditions on interim uses. The governing body may grant permission for an interim use of property if:

- (1) the use conforms to the zoning regulations;
- (2) the date or event that will terminate the use can be identified with certainty;
- (3) permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- (4) the user agrees to any conditions that the governing body deems appropriate for permission of the use.

Any interim use may be terminated by a change in zoning regulations.

Subd. 3. Public hearings.

Public hearings on the granting of interim use permits shall be held in the manner provided in section [462.357, subdivision 3.](#)

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Phil Carlson
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cityclerk@stacymn.org

From: Carlson, Phil <Phil.Carlson@stantec.com>
Sent: Wednesday, February 22, 2023 5:32 PM
To: jimness@stacymn.org
Cc: cityclerk@stacymn.org
Subject: RE: IUPs

Jim,

Cities are allowed to issue Interim Use Permits as defined by State statute 462.3597:

<https://www.revisor.mn.gov/statutes/cite/462.3597>

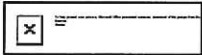
The Stacy Zoning Code currently has a limit of 5 years on IUPs – per Section 153.190(F) – which may be what you remember. But the State statute does not have that limitation. Stacy and Lent would be free to set the limit to whatever they feel is reasonable or have no limits.

Phil Carlson

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From: jimness@stacymn.org <jimness@stacymn.org>
Sent: Wednesday, February 22, 2023 5:15 PM
To: Carlson, Phil <Phil.Carlson@stantec.com>
Cc: cityclerk@stacymn.org
Subject: IUPs

Phil,

Working through things for the merger with Lent has generated a question on IUPs.

They are using them to regulate their the home business. They are setting the end time either change of ownership or use.

When we were updating our IPU ordinance and wanted to use the same type of end times, you said either we couldn't or shouldn't and we set the max. time to 5 years. I don't remember the details any more. Can you explain that again, please.

Once the merger goes through, can we change our IUP ordinance to what they have? If not can we have a home business permit process that is the same as the IUP with a different name and use the change of ownership or use for an end time?

Thanks and have a good rest of the week.

Jim Ness

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