

CUP Process

The CUP review process involves submitting an application packet, notifying owners of any other properties located within 500 feet of the proposed site, public hearings by both the Planning Commission and City Council to establish the terms of the permit, and approval of the permit by ordinance adoption. Once a CUP has been approved, the subject use must remain in compliance with all permit terms at all times or risk forfeiting the right to operate at all.

1. Inflow/Infiltration Compliance

Before submitting an application, the property must be in compliance with the City's Inflow/Infiltration (I/I) requirements. Contact the Public Works Division at 763-593-8030 for I/I inspection and compliance information. An application will not be accepted until the property receives an I/I compliance certificate.

2. Neighborhood Notification

A neighborhood mailing must be sent to all property owners within 500 feet of the site, outlining the proposed project and providing the applicant's contact information. The City will provide the mailing addresses, but it is the applicant's responsibility to generate and mail the notification. If Planning staff determines a project is likely to have significant impacts to a residential neighborhood, a neighborhood meeting must be held (see City's Neighborhood Notification Policy).

3. Assembling The Application

An applicant can be a governmental body, department, board, or commission, or any individual or corporation having a legal interest in the property. For practical purposes, the City requires that a single person be listed as the primary contact in cases where the "applicant" is some form of group entity. It is very important to fill out the application completely and correctly and to provide all attachments as specified on the application form. The City does not waive any application requirements without specific staff authorization. Staff encourages applicants to come in for at least one joint consultation before materials are assembled.

4. Submitting The Application

Submit the completed application to the Planning Division at City Hall. Staff must receive an application four full weeks before the date of the Planning Commission meeting at which it will have its first hearing. Applicants who are in a hurry should schedule their data-gathering deadlines accordingly.

Incorrect or inadequate information or attachments are grounds for rejection. Rejected applications will be returned to submitters with a letter of explanation; the City reserves the right to require that applicants come in and collect bulky plan attachments.

When Planning staff decides that an application is complete, it is circulated to appropriate City departments for review and comment. Planning staff prepare a background report, including recommended conditions of operation for Planning Commission and City Council review. The applicant will receive a copy of the report as soon as it is available.

Staff also compiles a list of nearby property owners for notification purposes. City Code requires mailed notice of all public hearings to be sent to owners of any property within 500 feet of the site of a proposed CUP. State law requires advance notice of at least 10 days for those property owners, to give them plenty of time to decide if they want to become involved in the process.

5. The Planning Commission Hearing

The Planning Commission holds a public hearing on each CUP proposal, after which a recommendation is forwarded to the City Council. At the meeting, City staff will make a presentation first, followed by the applicant, and then any members of the public who wish to speak. The applicant or authorized representative must be present to answer any questions that may be raised by the Commissioners, staff, or by members of the interested public. In deciding whether to recommend approval of the CUP, the Commission considers 10 factors (City Code does not require equal weight to be given to each factor):

- demonstrated need for the proposed use
- consistency with the Comprehensive Plan of the City
- effect on property values in the neighboring area
- effect of any anticipated traffic generation on the current traffic flow and congestion in the area
- effect of any increases in population and density upon surrounding land uses
- increase in noise levels to be caused by the proposed use
- any odors, dust, smoke, gas, or vibration to be caused by the proposed use
- any increase in flies, rates, or other animals or vermin in the area to be caused by the proposed use
- visual appearance of any proposed structure or use
- any other effect upon the general public health, safety, and welfare of the City and its residents

Every attempt is made to conclude the hearing and finalize the Commission's recommendations at a single meeting; however, there are occasional instances where additional information is considered essential to the recommendation. Therefore, the hearing must be continued to another date.

6. The City Council Hearing

City Council meetings are generally held on the first and third Tuesdays of each month. In most cases, there will be an interval of about three to four weeks between Planning Commission and Council hearings, though it could go up to a maximum of five weeks depending on how well the scheduled meetings of the two bodies fit together. Three weeks is the minimum time needed for staff to put out notice of the Council hearing (which requires newspaper publication as well as a second mailing like the one described for the informal hearing above) and prepare a record of the Planning Commission discussion and recommendations for Council review. Unless one or more of the Planning Commission recommendations specifies otherwise, the applicant is not expected to take any particular action between the two hearings.

At the meeting, staff will make a presentation, followed by any members of the public who wish to speak. Again, the applicant or authorized representative must attend the hearing. The Council considers the application materials, staff report, Planning Commission recommendations, and other information entered into the record before or during the hearing. Approval of the CUP can only be granted if at least three Council members vote to approve the permit listing the terms under which the proposed use can operate. In the case of a denial, staff will provide the applicant with written notice outlining the reasons for the failed vote.

7. Ordinance Publication/Permit Issuance

An applicant must still wait through one more step before any physical activity can begin on the property. All ordinances must be published in Golden Valley's official newspaper, the SunPost, before they take effect. This paper comes out once a week, and items to be published must be submitted a week in advance.

Following a positive vote of the City Council, staff will submit the ordinance to the SunPost and issue a copy of the approved permit to the applicant for his or her records. Assuming the Council's vote occurs at a regular Tuesday meeting, the CUP will be fully effective as of the following Thursday.

You should also be aware:

- If your CUP application is denied by the City Council, you cannot re-submit the same basic request for at least six months after the date of denial unless you can prove that key circumstances have changed or that you have found significant new evidence in support of the proposal.
- If you do not begin construction or other implementation measures for an approved CUP within 12 months of the approval date, your permit will automatically become null and void. To get it re-approved you will have to go back through the same process.
- The City Council may suspend or cancel your approved CUP if you violate any of its terms, though such action must occur at a Council meeting and would require at least four Council votes.
- If you want to change any aspect of your operation governed by one or more terms of the approved CUP, you must apply for an amendment to the permit itself, which involves going through the same process as for initial approval.