



## **Staff Report: Moratorium on Interim Use Permits Associated with Mining & Extractive Uses**

Issue: Request Approval of Moratorium on Interim Use Permits for Mining & Extractive Uses

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### **BACKGROUND:**

Staff has seen a significant increase in interest for Interim Use Permit projects associated with mining & extractive uses in A-1, Agricultural/Rural Residential areas. The City has authorized several operations in both the eastern and western fringe areas of the community. Due to the City's ground conditions which feature significant areas of interest for potential quarry/mining project, staff expects that if left unchecked the City will continue to see continual applications for various areas, which could hamper long-term planning for the area and create potential issues with residents neighboring such projects. A project that was slated for review by the Planning Commission on October 12<sup>th</sup> was withdrawn by the applicant after significant concerns were raised by Stearns County and the Minnesota DNR and ultimately led to a staff recommendation of denial for that particular proposal.

Staff is requesting City Council approval of a moratorium to allow staff time to review existing ordinance and present recommendations to City Council at future worksession ahead of formal review by Planning Commission and City Council. It is possible that staff may either recommend ordinance amendments to place additional limitations on proposed projects and updated application requirements to allow more thorough review, or staff may ultimately recommend that mining & extractive uses be severely limited to operations only associated with formally approved development projects, or even removed entirely from permissible City projects and preventing any new applications or renewal of existing Interim Use Permits.

### **REQUIRED ACTION:**

The City Council's action could be any of the following with regards to request to vacate right-of-way:

1. Approval of the moratorium request, as presented or with revised duration.
2. Denial of the abatement request.
3. Table the issue for further discussion/action



**STAFF RECOMMENDATION:**

Staff recommends approval of the moratorium for duration of twelve (12) months.

**SUGGESTED MOTION:**

Councilmember \_\_\_\_\_ moved to approve or deny adoption of the attached resolution authorizing moratorium on Interium Use Permits associated with Mining & Extractive Uses: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Councilmember \_\_\_\_\_ seconded the motion.

**ROLL CALL**

Councilmember Vic Schulz	_____
Councilmember Michael Linqvist	_____
Councilmember Ken Schmitt	_____
Councilmember Frank Theisen	_____
Mayor Richard E. Miller	_____

Motion (Approved) (Denied)

**CITY OF WAITE PARK**  
**ORDINANCE NO. 2021 - \_\_\_\_\_**

**AN INTERIM ORDINANCE PLACING A MORATORIUM  
ON ISSUANCE OF INTERIM USE PERMITS  
FOR MINING/EXTRACTIVE USES WITHIN A-1, AGRICULTURAL/RURAL  
RESIDENTIAL DISTRICTS WITHIN THE CITY OF WAITE PARK**

The City of Waite Park HEREBY ORDAINS:

**SECTION 1: Purpose and Intent**

A. The City of Waite Park (the “City”) recognizes significant public interest in mining/extractive use interim use permits. There has been an increased number of requests for mining/quarrying/extractive use projects and operations within the A-1, Agricultural/Rural Residential District, and the City is also aware that extractive use companies are approaching landowners throughout the community to determine the interest in such facilities.

B. The purpose of the moratorium is to allow time to study the existing ordinances, consider new ordinances, ordinance amendments, additions or removals specific to mining and extractive use projects.

C. Minnesota Statutes Section 462.355 allows the City to adopt a temporary interim ordinance for a period of up to twelve (12) months from the date it is effective to allow for such study and adoption of comprehensive plan, zoning and/or other official land use controls in order to protect the public health, safety and general welfare of its citizens.

D. The City has concluded that a study is required related to mining and extractive use facilities within the A-1, Agricultural/Rural Residential District.

E. There is a need for an interim ordinance to be adopted for the purpose of protecting the planning process and the health, safety and welfare of the citizens of the City until such a study has been completed.

**SECTION 2: Prohibition**

A. Pursuant to Minnesota Statutes 462.355, the City hereby adopts and approves this interim ordinance establishing a moratorium temporarily prohibiting the issuance of interim use permits for establishment of new or amendment to existing mining and extractive use facilities within the A-1, Agricultural/Rural Residential District within the City of Waite Park.

B. During the effective period of this interim ordinance, the City will not accept any application or issue any interim use permits to allow additional mining and extractive use projects, nor amend any existing interim use permits for such project.

SECTION 3: Effective Date and Duration

A. This interim ordinance shall exist for a period of twelve (12) months from and after its adoption.

B. This interim ordinance is hereby adopted by the City Council of the City of Waite Park this 18th day of October, 2021, and shall be effective upon publication.

CITY OF WAITE PARK

By \_\_\_\_\_  
Richard E. Miller  
Mayor

ATTEST

By \_\_\_\_\_  
Shaunna Johnson  
City Administrator

This interim ordinance was published in the St. Cloud Times on \_\_\_\_\_,  
2021.

**CITY OF WAITE PARK  
RESOLUTION NO. 2021 - \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF WAITE PARK PROVIDING FOR THE SUMMARY  
PUBLICATION OF ORDINANCE NO. 2021- \_\_\_\_\_, AN INTERIM ORDINANCE  
PLACING A MORATORIUM ON ISSUANCE OF INTERIM USE PERMITS FOR  
MINING AND EXTRACTIVE USES WITHIN THE A-1, AGRICULTURAL/RURAL  
RESIDENTIAL DISTRICT WITHIN THE CITY OF WAITE PARK**

WHEREAS, on October 18th, 2021, at the regular Waite Park City Council meeting, by majority vote, the City Council of the City of Waite Park adopted Ordinance No. 2021- \_\_\_\_\_, adopting an interim ordinance, pursuant to Minnesota Statutes Section 462.355, establishing a moratorium temporarily prohibiting the issuance of new interim use permits and amendments to existing interim use projects for mining and extractive use facilities within the A-1, Agricultural/Rural Residential District within the City of Waite Park; and

WHEREAS, the purpose of the moratorium is to allow time to study the existing ordinances, consider new ordinances, ordinance amendments, additions or deletions specific to mining and extractive use facilities; and

WHEREAS, the interim ordinance is needed to protect the planning process and the health, safety and welfare of the citizens of the City until the study has been completed; and

WHEREAS, state law requires that all ordinances adopted be published prior to becoming effective; and

WHEREAS, the City Council for the City of Waite Park has determined that publication of the title and a summary of Interim Ordinance No. 2021- \_\_\_\_\_ would clearly inform the public of the intent and effect of the Interim Ordinance; and

WHEREAS, the City Council for the City of Waite Park has reviewed the summary of Interim Ordinance No. 2021- \_\_\_\_\_ attached and incorporated herein as Exhibit A; and

WHEREAS, the City Council for the City of Waite Park has determined that the text of the summary clearly informs the public of the intent and effect of Interim Ordinance No. 2021- \_\_\_\_\_.

NOW THEREFORE BE IT RESOLVED, the City Council for the City of Waite Park hereby:

1. Approves the text of the summary of Ordinance No. 2021- \_\_\_\_\_ attached hereto as Exhibit A.
2. Directs the City Administrator to post a copy of the entire text of Interim Ordinance No. 2021- \_\_\_\_\_ in all public locations designated by the City Council.
3. Directs the City Administrator to publish the summary in the City's legal newspaper within ten days.
4. Directs the City Administrator to file the executed Interim Ordinance upon the books and records of the City along with proof of publication.

Adopted by the City Council this 18<sup>th</sup> day of October, 2021.

ATTEST

\_\_\_\_\_  
Shaunna Johnson  
City Administrator

\_\_\_\_\_  
Richard E. Miller  
Mayor

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution:

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Waite Park City Council at a duly authorized meeting held on October 18<sup>th</sup>, 2021.

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Shaunna Johnson  
City Administrator

**EXHIBIT A**

**CITY OF WAITE PARK  
ADOPTION OF INTERIM ORDINANCE  
PLACING A MORATORIUM ON ISSUANCE OF  
INTERIM USE PERMITS FOR ESTABLISHMENT OF NEW AND AMENDMENTS TO EXISTING  
MINING AND EXTRACTIVE USE PROJECTS WITHIN THE  
A-1, AGRICULTURAL/RURAL RESIDENTIAL DISTRICT  
WITHIN THE CITY OF WAITE PARK  
SUMMARY PUBLICATION**

**ORDINANCE NO. 2021-\_\_\_\_\_**

The City Council for the City of Waite Park, HEREBY ORDAINS:

For the purpose of protecting the planning process and the health, safety and welfare of the citizens of the City of Waite Park, the City Council has adopted Interim Ordinance No. 2021 - \_\_\_\_\_ adopting an interim ordinance enacting a moratorium, pursuant to Minnesota Statutes Section 462.355, temporarily prohibiting the issuance of interim use permits for the establishment of new and amendment to existing mining and extractive use projects within the A-1, Agricultural//Rural Residential District within the City of Waite Park until a study has been completed.

The moratorium shall exist for a period of twelve (12) months from and after the date of adoption.

This material is a summary of Interim Ordinance No. 2021- \_\_\_\_\_. The full text of the Ordinance is available for inspection by any person during regular office hours at the office of the Waite Park City Administrator.

This Interim Ordinance was adopted by the City Council of the City of Waite Park on the 18<sup>th</sup> day of October 2021, and shall be effective upon publication.

CITY OF WAITE PARK

By \_\_\_\_\_  
Richard E. Miller, Mayor

ATTEST

By \_\_\_\_\_  
Shaunna Johnson, City Administrator

This Summary Publication was published in the St. Cloud Times on \_\_\_\_\_, 2021.

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