

ORDINANCE PUBLICATION NOTICE
ORDINANCE NO. 16-07

CITY OF COLUMBUS
COUNTY OF ANOKA
STATE OF MINNESOTA

AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON THE
ESTABLISHMENT OF EXCAVATION, MINING AND FILLING USES
WITHIN THE CITY OF COLUMBUS

The City Council of the City of Columbus ordains the following:

SECTION 1. MORATORIUM.

SECTION A. Authority and Intent. The City of Columbus (the “City”) is authorized under Minnesota Statutes Section 462.355, Subd. 4, to regulate, restrict, or prohibit any use, development or subdivision within the jurisdiction or a portion thereof while the City is conducting studies, or has authorized a study to be conducted or has scheduled a hearing to consider adoption or amendment of the Comprehensive Plan or official zoning controls. Pursuant to the aforementioned statute, the City declares a City-wide moratorium (the “Moratorium”) on any new excavation, extraction, mining, and filling activities in accordance with this ordinance.

SECTION B. Findings. The City finds it necessary to study the impacts and effects of excavation, mining, and filling uses on the health, safety, and welfare of its citizens and the community. The City Council further finds that the existing controls governing excavation, extraction, mining, and filling uses may not provide the desired level of oversight for such uses, which makes it necessary to study of the existing ordinance and alternative ordinances. Following the study, the City intends to update and amend its official controls.

SECTION C. Effect of Moratorium. For the duration stated herein and until the City has completed a study of the need for amendments or additions to the City’s official controls to protect the public health, safety and welfare, the City shall not accept, issue or process any application for use of real property anywhere in the City for the purpose of excavation, extraction, mining, and filling. This Moratorium shall apply, without limitation, to comprehensive land use plan amendments, requests for rezoning, subdivisions, variances, conditional use permits, interim use permits, site plan review or any other permits for the construction or operation of excavation, extraction, mining, and filling. Any development, permit, or other land use applications accepted but not acted upon by the City prior to the effective date of this Moratorium within the City will not be approved by the Zoning Administrator or City Council.

SECTION D. Study Authorized. During the period of this Moratorium, City staff and consultants will conduct a study of the official controls related to excavation, extraction,

mining, and filling, including appropriate permitting, licensing, land use controls and development standards that may need to be adopted or revised to protect the public health, safety and welfare.

SECTION E. Duration. The Moratorium shall expire, without further action of the City Council, one (1) year from its effective date. In the alternative, it may be repealed earlier if the Council determines that the requisite studies have been completed and that appropriate evaluation and action, including any necessary revisions to the City Code, official controls and/or Comprehensive Plan, have been finalized, adopted by the City Council and made effective by publication. The duration of the Moratorium may be extended by adoption of an amendment hereto for a total time not to exceed the limits set forth in Minnesota Statutes Section 462.355, subd. 4, as amended from time to time.

SECTION F. Moratorium Declaration and Applicability. The City Council specifically finds and declares that the findings, intent and purpose of this Moratorium of City Code applies Citywide and it hereby imposes on any parcel of land, lot or part thereof within the boundaries of the City a prohibition on the construction or operation of any new excavation, extraction, mining, and filling use for the duration of the Moratorium. City staff and consultants are directed for the duration of this Moratorium to carefully study and consider the adequacy and effectiveness of the existing licensing, zoning and Comprehensive Plan regulations necessary to protect the public health, safety and welfare, as well as to study and consider amendments to those regulations. The City Council further finds that it is critical to the protection of the public health, safety and welfare that the study process be protected by a moratorium.

SECTION G. Hardship Waiver. In cases of hardship, any person having a legal or equitable interest in land and aggrieved by the requirements of this Moratorium may apply to the City Council for a waiver of all or a portion of the applicable restrictions. A waiver may be granted when the City Council finds substantial hardship caused by the restrictions and finds that the waiver will not unduly affect the integrity of the planning process or the purposes for which this Moratorium was enacted. An administrative hardship waiver may be granted by the Zoning Administrator subject to the following conditions:

- a. The excavation, extraction, mining or filling must not be a commercial activity involving the sale of Earthly Deposits as defined in City Code Sec. 9-101; and
- b. The excavation, extraction, mining or filling must be associated with the construction of a new residential or commercial business or structure; and
- c. Any transportation of Earthly Deposits must occur on county or state highways.

SECTION H. Severability. If any section, subsection, sentence, clause or phrase of this Moratorium is for any reason held to be invalid or any action taken hereunder be held invalid, it shall not affect any other section, subsection, sentence, clause or phrase herein. Every section, subsection, sentence, clause and phrase herein is declared severable from every other section, subsection, sentence, clause or phrase.

SECTION I. Enforcement. The City may enforce this ordinance by mandamus, injunction or other appropriate civil remedy in any court of competent jurisdiction.

SECTION III. EFFECTIVE DATE. This Ordinance was adopted by the Columbus City Council on this 25th day of May, 2016 and shall become effective after its publication.

By order of the City Council.

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