

SAN FRANCISCO TOWNSHIP
CARVER COUNTY, MINNESOTA
Ordinance No. 4

AN INTERIM ORDINANCE PLACING A MORATORIUM
ON NEW OR EXPANDED MINERAL EXTRACTION FACILITIES

WHEREAS, the Board of Supervisors ("Town Board") of San Francisco Township, Carver County, Minnesota ("Town") previously adopted Ordinance No. 2, a zoning ordinance, pursuant to its authority under Minnesota Statutes, sections 462.351 to 462.364, regulating the extraction of minerals and the establishment of mineral extraction facilities in the Town ("Ordinance No. 2");

WHEREAS, Carver County ("County") also regulates mineral extraction facilities and will adopt an amended zoning ordinance which includes changes to the regulations associated with the extraction of minerals;

WHEREAS, the Town needs to study the changes the County made to its mineral extraction regulations to determine if any changes to the Town's Ordinance No. 2 are needed or are advisable, including determining the Town's continued compliance with Minnesota Statutes, section 394.33, subdivision 1 requiring the Town's zoning regulations to be consistent with and at least as strict as the County's zoning regulations;

WHEREAS, the Town has the authority under Minnesota Statutes, section 462.355, subd. 4 to protect its planning process by adopting an interim ordinance to regulate, restrict, or prohibit any use within the Town for a period of up to one year;

WHEREAS, the Town Board, recognizing a need for a moratorium, acted at its meeting on October 18, 2010 to impose a moratorium on mineral extraction and the adoption of this interim ordinance formalizes that decision;

WHEREAS, the Town Board finds and determines that placing a moratorium on new or expanded mineral extraction facilities is needed to protect the planning process as well as the health, safety, and welfare of the public, and is in the public's best interests. The moratorium will allow the Town sufficient time to study the changes made to the County's mineral extraction regulations and to determine whether it is necessary or advisable for the Town to amend its regulations; and

NOW, THEREFORE, that, based on the findings and determinations contained herein, the Board of Supervisors of the Town of San Francisco ordains:

Section 1. Moratorium on New or Expanded Mineral Extraction Facilities. In order to protect the planning process and the health, safety and welfare of the Town's citizens, the Town Board hereby exercises its authority under Minnesota Statutes, section 462.355, subdivision 4 to adopt this interim ordinance. During the period of the interim ordinance, the establishment of new mineral extraction facilities, or the expansion of existing mineral extraction facilities, is prohibited and the Town shall not issue a conditional use permit, an amended conditional use permit, or any other mining related permits to any such facilities. The purpose of this ordinance is to temporarily prohibit the establishment or expansion of mining in the Town while allowing existing mining operations to continue to operate within the scope of their existing permit, provided the operation remains in compliance with the permit conditions and all applicable federal, state and local laws, rules, regulations and ordinances.

Section 2. Applicability. This interim ordinance shall apply to all land within the jurisdictional boundaries of the Town and shall be in effect for a period of 6 months from the date of its adoption, until the effective date of an amendment to Ordinance No. 2 changing the regulations related to mineral extraction facilities, or upon its expressed repeal by resolution adopted by the Town Board, whichever occurs first.

Section 3. Definitions. For the purposes of this interim ordinance, the terms used herein shall have the same meaning given them in San Francisco Township Ordinance No. 2.

Section 4. Enforcement. A violation of this interim ordinance shall be a misdemeanor. In addition, the Town may enforce this interim ordinance by mandamus, injunction, or other appropriate civil remedy in any court of competent jurisdiction.

Section 5. Effective Date. This interim ordinance shall take effect immediately upon adoption.

Adopted this 15th day of November, 2010.

BY THE TOWN BOARD

__Maidie Felton_____
Maidie Felton, Town Chairperson

Attest: __Mike Kirk_____
Mike Kirk, Town Clerk