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Use Affairs

Aggregate Resources Task Force *October 10, 2017*



Today's Topics

- Local Government's Comprehensive Land Use Plans
- Overlay Districts
- Types of Permits
- Questions



Resources Protected by Local Governments

- Natural Heritage from Biological Survey
 - County Biological Survey
- Protected Waters
 - Protected Waters Inventory
 - Shoreland Management Classification
- Wetlands
 - National Wetland Inventory
- Prime Farmlands
 - Soils Map



CHAPTER 394. PLANNING, DEVELOPMENT, ZONING. AUTHORITY TO CARRY ON COUNTY PLANNING AND ZONING.

- **394.23 COMPREHENSIVE PLAN.**

The board has the power and authority to prepare and adopt by ordinance, a comprehensive plan. **A comprehensive plan or plans when adopted by ordinance must be the basis for official controls** adopted under the provisions of sections [394.21](#) to [394.37](#). The commissioner of natural resources must provide the natural heritage data from the county biological survey, if available, to each county for use in the comprehensive plan. When adopting or updating the comprehensive plan, **the board must, if the data is available to the county, consider natural heritage data resulting from the county biological survey.** In a county that is not a greater than 80 percent area, as defined in section [103G.005](#), subdivision 10b, **the board must consider adopting goals and objectives that will protect open space and the environment.**



CHAPTER 473. METROPOLITAN GOVERNMENT

- **473.859 COMPREHENSIVE PLAN CONTENT.**

(d) A land use plan shall also include the local government's goals, intentions, and priorities concerning aggregate and other natural resources, transportation infrastructure, land use compatibility, habitat, agricultural preservation, and other planning priorities, **considering information regarding supply from the Minnesota Geological Survey Information Circular No. 46.**



CHAPTER 84. DEPARTMENT OF NATURAL RESOURCES

- 84.94 AGGREGATE PLANNING AND PROTECTION.

Subdivision 1.Purpose. **It is the purpose of this section to protect aggregate resources;** to promote orderly and environmentally sound development; to spread the burden of development; **and to introduce aggregate resource protection into local comprehensive planning and land use controls.**

Subd. 4.Local action. Each planning authority of a county or municipality receiving information pursuant to subdivision 3 **shall consider the protection of identified and important aggregate resources in their land use decisions.**



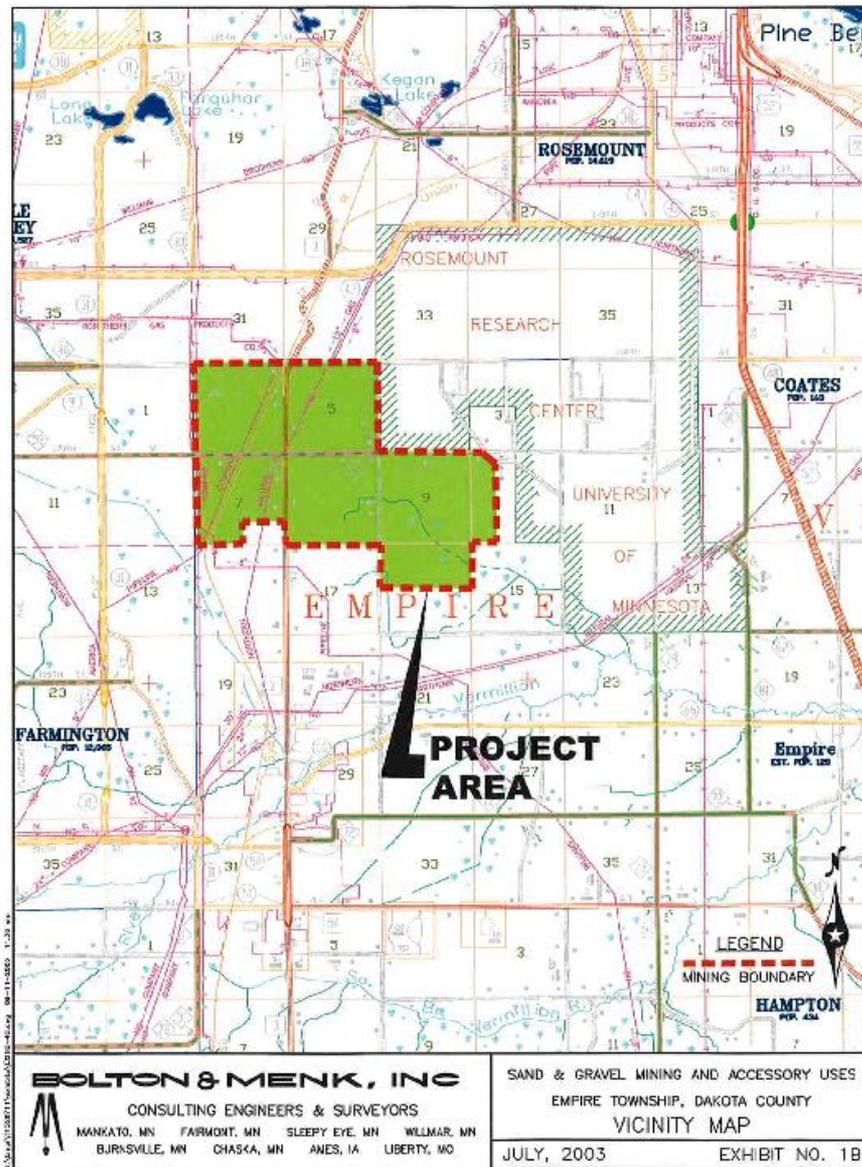
Overlay Districts

- Land Use Zoning Tool
- Many Different Types of Overlay Districts
 - Shoreland and River Districts
 - Floodplain Districts
 - Airport Districts
 - Agricultural Preservation Districts
 - Mining Districts



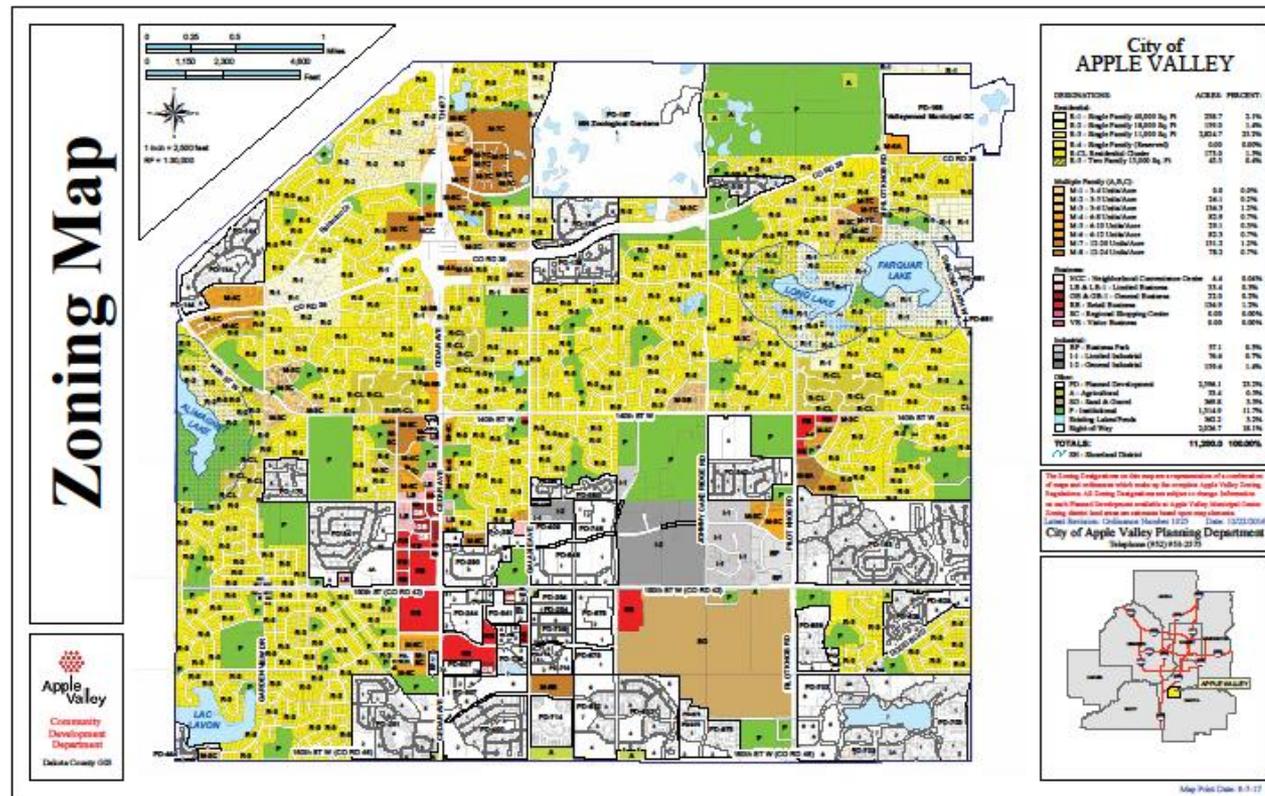
Mining District

- Empire Township



Mining District

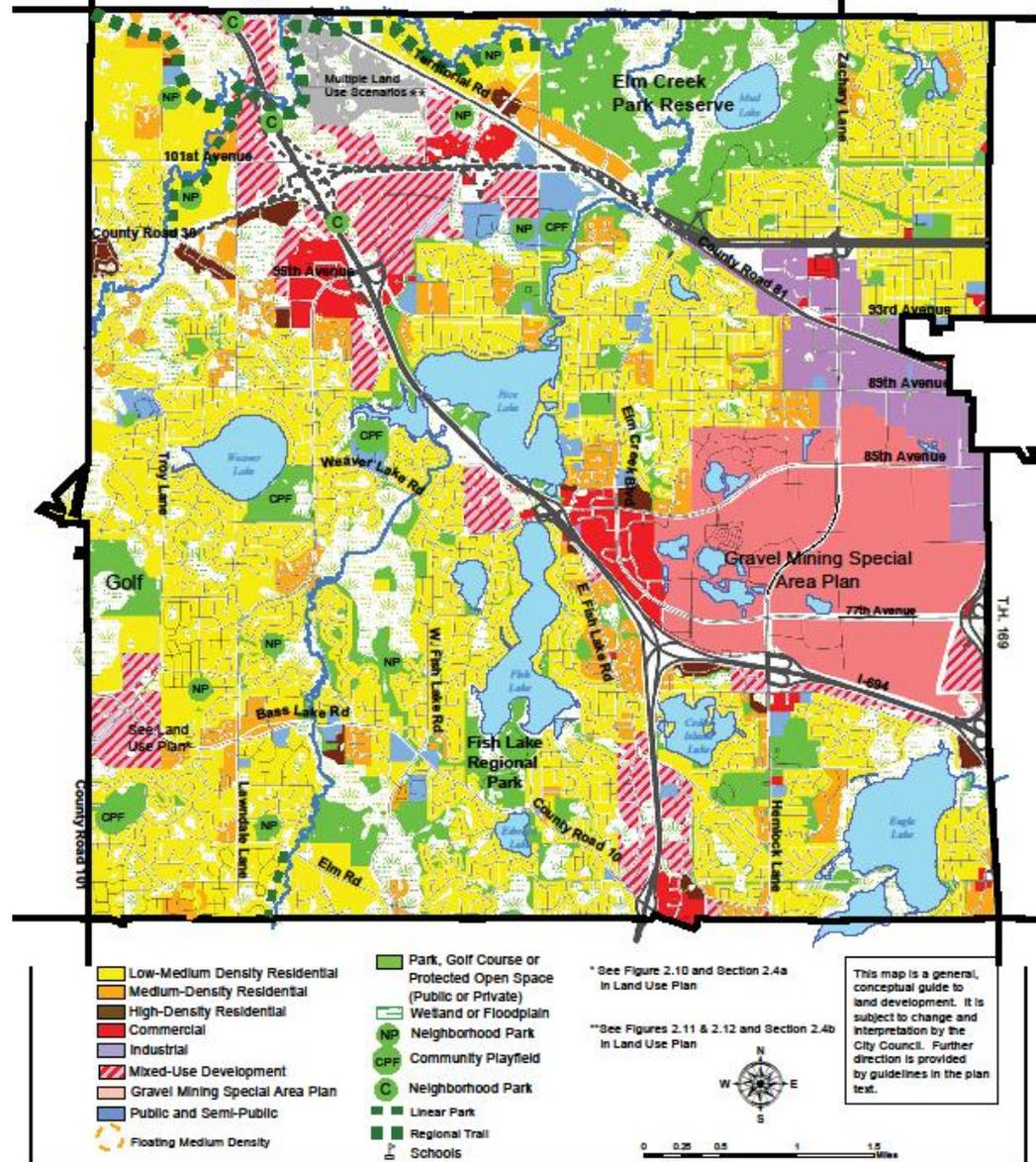
- Apple Valley



Mining District

- Maple Grove

Figure 2.8
Maple Grove Land Use Plan (Revised 7/12/12)



Types of Permits

- Permitted Use
 - No Questions Asked
 - Standards Established in Zoning Ordinance
- Conditional Use Permits
 - Permit Required
 - Standards Established in Zoning Ordinance
 - Public Hearing
 - Conditions May Be Added
- Interim Use Permits
 - Issued the same as Conditional Use Permits
 - Terminate Upon Some Event, Date or Zoning Change



Permits Cont.

- 394.303 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 394.26.



Permits Cont.

- Development of Mining is Expensive
 - Environmental Review Cost
 - Permitting Costs
 - Access Construction
 - Installation of Screening
 - Stormwater Management
- Business Decisions are Made Based on Certainty
- Interim Use Permits Offer Little if any Certainty
- Termination Should be Based on Resource Depletion



Summary

- Comprehensive Land Use Plans are a Good Tool to Preserve All Resources
- Give the Local Governments an Aggregate Resource Map
- Require Aggregate Resource Preservation
- Encourage Mining Districts or Use of Other Zoning Tools to Ease Permitting for Aggregate Resources
- Change Interim Use Permit to Reflect Resource Depletion in Order for Confident Business Decision to be Made





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THANK YOU

QUESTIONS

