

**CITY OF CALEDONIA, MINNESOTA**

**ORDINANCE NO. 2022-01**

**AN INTERIM ORDINANCE PURSUANT TO MINNESOTA STATUTES, SECTION 462.355, SUBD. 4, ESTABLISHING A STUDY PERIOD AND MORATORIUM FOR A PERIOD UP TO TWELVE MONTHS ON DEVELOPMENTS IN THE AGRICULTURAL (AG) DISTRICT**

Preamble: That on March 28, 2022, the City Council considered and passed a motion to authorize a study of the impacts and effects of existing, expanded or new agricultural or industrial development within the AG-Agricultural district of the City of Caledonia for the purpose of determining the adequacy and effectiveness of existing ordinances and regulations, or if additional or changed City ordinances or regulations, or amendments to the City's Comprehensive Plan, are necessary or appropriate.

That Council has determined that any additional proposals for the above-identified uses within the AG-Agricultural district brought forward during the period prior to final adoption and publication of this interim ordinance will be detrimental to the referenced study and may therefore negatively impact the City's ability to consider and modify regulations for such uses for the preservation of the public health, safety and welfare and the City's planning process. That pursuant to Minn. Stat. 462.355, subd. 4(b) a properly noticed public hearing was held on March 28, 2022. The City Code does not require more than one reading of ordinances before they become effective. Minn. Stat. 415.19, subd. 6 exempts this interim ordinance from the ten-day notice provision regarding the adoption of ordinances by a statutory city.

To forestall additional proposals for uses identified herein from being brought forward prior to the City adopting the above-referenced moratorium and thereby undermining or negatively impacting the City's study, regulatory and planning processes, immediate consideration and action by the City Council is necessary to preserve and protect the public peace, health, morals, safety and welfare.

**THE CITY COUNCIL OF THE CITY OF CALEDONIA HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1. Purpose and Intent.** The purpose and intent of this Ordinance is to prohibit expanded or new agricultural or industrial development within the AG-Agricultural district of the City of Caledonia (City) for the purpose of researching, studying, and considering the impacts and potential impacts of the above-referenced uses in the above-listed zoning district in order to determine the adequacy and effectiveness of existing ordinances and regulations, or if additional or changed City ordinances or regulations, or amendments to the City's Comprehensive Plan, are necessary or appropriate.

**SECTION 2. Preliminary Findings.** The City Council hereby makes the following preliminary findings to serve as the basis for the necessary study to be made during the moratorium period

provided in this Ordinance. These preliminary findings serve as the reasons why it is in the public interest for the City to conduct a study and so declare a moratorium by virtue of this Ordinance:

1. The current regulations and official controls of the City may not adequately address the impacts and effects of existing, expanded or new agricultural or industrial uses within the AG-Agricultural district of the City.
2. The City needs to research, analyze and study the impacts of such uses in relationship to the Comprehensive Plan or to determine the adequacy and effectiveness of current regulations in protecting the public health, safety and welfare of the community.
3. The public interest and public health, safety and welfare requires that the City study, analyze and evaluate the impacts and effects of existing, expanded or new agricultural or industrial uses within the AG-Agricultural district of the City for the purpose of determining the adequacy and effectiveness of existing ordinances and regulations, or if additional or changed City ordinances or regulations, or amendments to the City's Comprehensive Plan, are necessary or appropriate.
4. This moratorium will ensure that any ordinance changes or Comprehensive Plan amendments will be carefully considered and evaluated and that all the issues, including, but not limited to, density, parking, and land use can be fully examined, while protecting the City's planning process and the public health safety and welfare during the moratorium period.

**SECTION 3. Moratorium Declaration.** For the duration stated herein and until the City has studied and adopted any ordinances or amendments to its Comprehensive Plan deemed necessary or appropriate related to the aforementioned purpose, intent and findings of this Ordinance, the City shall not accept, issue or process any applications or permits for expanded or new agricultural or industrial uses or development within the AG-Agricultural district within the City.

**SECTION 4. Study.** During the period of this moratorium, City staff will conduct a study; such study to help determine the regulatory controls that may need to be adopted or revised to protect the public's health, safety and welfare related to the aforementioned purpose, intent and findings. In addition, the City staff shall study the Comprehensive Plan to determine whether an amendment to the Comprehensive Plan is necessary or appropriate.

**SECTION 5. Duration.** Unless otherwise provided in this section, this Ordinance shall expire, without further City Council action, twelve months from the effective date of this Ordinance following its passage by the City Council pursuant to Minn. Stat. § 462.355, subd. 4; or it may be repealed earlier if the Council determines that no further study is necessary, that no further action is necessary, and/or any revisions of the City Code or Comprehensive Plan have been adopted by the City Council and are effective. The duration of this Ordinance may be extended pursuant to and by adoption of a subsequent Ordinance for a total time not to exceed the statutory limits in Minn. Stat. 462.355, subdivision 4.

SECTION 6. **Separability.** Every section, provision, or part of this Ordinance is declared separable from every other section, provision or part; and if any section, provision, or part thereof or action taken hereunder shall be held invalid, it shall not affect any other section, provision, or part.

SECTION 7. **Effective Date.** That this ordinance shall take effect immediately upon its adoption and publication.

SECTION 8. **Summary Publication.** This ordinance shall be published in summary form as follows:

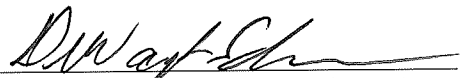
**SUMMARY PUBLICATION OF CITY OF CALEDONIA ORDINANCE NO. 2022-01**

**AN INTERIM ORDINANCE PURSUANT TO MINNESOTA STATUTES, SECTION 462.355, SUBD. 4, ESTABLISHING A STUDY PERIOD AND MORATORIUM FOR A PERIOD UP TO TWELVE MONTHS ON DEVELOPMENTS IN THE AG-AGRICULTURAL DISTRICT.**

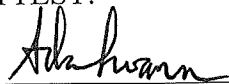
Summary: Ordinance No. No. 2022-01 establishes a study to research and consider the impacts and potential impacts of existing, expanded or new agricultural or industrial development within the AG-Agricultural district of the City of Caledonia in order to determine the adequacy and effectiveness of existing ordinances and regulations, or if additional or changed City ordinances or regulations, or amendments to the City's Comprehensive Plan, are necessary or appropriate, and establishes a twelve month moratorium on such uses in the City during which time such new and expanded uses shall be temporarily prohibited in the City and any further processing and approval of new or expanded applications or permits for such uses shall be placed on hold pending the completion of the above authorized study and any City Council actions relating to regulatory changes determined necessary or appropriate as a result of the study.

The complete text of Ordinance No. 2022-01 may be obtained at no charge at City Hall (231 E Main Street, Caledonia MN 55921), or from the City's website at <https://www.caledoniamn.gov>.

ADOPTED this 28<sup>th</sup> day of March, 2021, by the City Council of the City of Caledonia.

  
DeWayne "Tank" Schroeder, Mayor


ATTEST:

  
Adam G. Swann, City Clerk/Administrator

**CERTIFICATION**

I, Adam Swann, clerk/administrator of the City of Caledonia, Houston County, Minnesota, do hereby certify that the foregoing Ordinance No. 2022-01 was duly passed and approved by the Council of the City of Caledonia, Minnesota on the 28<sup>th</sup> day of March, 2022; and said Ordinance No. 2022-01 was published in the *Caledonia Argus*, a newspaper of general circulation in the City of Caledonia, Minnesota on the 6<sup>th</sup> day of April, 2022, all as provided by law.

Dated this 6<sup>th</sup> day of April, 2022.

  
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City Clerk/Administrator