

Thomas Aman ~ Crow Wing Lake Township ~ Hubbard County

According to the United State Constitution, states have the authority to make ‘laws to protect the ... health, safety, and welfare’ of the people. The states, in turn, have delegated that authority to local governments like townships. Therefore, townships are authorized to created zoning ordinances that regulate and plan how land can be used.

Minnesota Statute 462.351 states townships ‘can prepare for anticipated changes.’ The installation of wind or solar farms, pipelines, or other transmission lines are anticipated changes townships must plan for. Therefore, township officers can prepare for those changes by creating zoning ordinances. The Statute also states the reason for creating the ordinances is to ensure non-government entities work in harmony with the township’s plans. If the proper ordinances are in place, then companies that install energy sources and transmission lines are required to work with township officials, and, in turn, their constituents.

One important aspect of zoning ordinances is the fact that public input plays a role in their development. First, township residents can be members of the various board and can attend board meetings to offer input. Second, the township board is comprised of people elected by the residents. Since the area is small, it is easier for townships officials to work with the people, compared to state and national legislators. In addition, township officials have an invested interest in that area. The decision they make will affect them, as well as their constituents. Third, a planning commission must be organized. According to ‘Township Planning & Zoning – A General Overview,’ the planning commission is in place to assist the township board in developing and enforcing township ordinances; however, since their responsibilities are defined by the township board, they are not limited to development and enforcement. Fourth, there can be exceptions to the zoning ordinances. The Board of Appeals and Adjustments is in place for that reason. If a piece of land is zoned for something, the board can recommend to the township board to issue a variance. Therefore, with due process, residents can have input in the decisions. Fifth, and most importantly, public hearings are required. According to Minnesota Statute 462.355; subdivision 2, townships must hold ‘at least one public hearing’ before adopting an ordinance.

Zoning is what townships must do to balance the need of energy while still addressing all of the residents’ concerns. Ordinances will force energy companies to comply with the needs of the public on a local level. Without those ordinances in place, energy companies will only follow the generic regulations on a state or country-wide level. In other words, the needs of a township could be overlooked. It is possible to balance the needs and concerns of township residents if they work with their officials to create rules most people can agree on, and if the energy companies can’t agree, the system is designed so they can challenge the actions of the township.