

# **Bond Case Briefs**

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## **ZONING & PLANNING - MINNESOTA**

### **AIM Development (USA), LLC v. City of Sartell**

**Supreme Court of Minnesota - July 15, 2020 - N.W.2d - 2020 WL 3980703**

Landowner brought action against city, seeking a declaratory judgment that landowner was entitled to deposit waste generated from operations other than its paper mill into its landfill.

The District Court granted in part and denied in part parties' cross-motions for summary judgment, and entered final judgment at parties' request. Landowner appealed. The Court of Appeals affirmed. Landowner requested further review.

The Supreme Court held that:

- Scope of landowner's nonconforming-use rights was defined by uses lawfully existing at time of adverse zoning change, not at time it purchased the property;
- Landowner's proposal to accept nonhazardous, non-toxic industrial waste from source other than paper mill satisfied continuation requirement for nonconforming uses; and
- Landowner's proposed replacement of single source of waste from paper mill with additional sources was not impermissible expansion of nonconforming use.