

Windemere Township Supervisor Heidi Kroening introduced the following Resolution as part of the Interim Ordinance 06-22-01 adopting a moratorium and moved its adoption:

**RESOLUTION AUTHORIZING AND DIRECTING THE STUDY OF POSSIBLE AMENDMENT OF WINDEMERE TOWNSHIP'S ZONING ORDINANCE**

**WHEREAS**, pursuant to Minnesota Statutes Chapter 462 and other provisions of Minnesota Law, Windemere Township has enacted a number of official controls governing the use and development of land in the Township, including but not limited to a Zoning Ordinance, a Subdivision and Platting Ordinance, and a Planned Unit Development Ordinance; and,

**WHEREAS**, the Windemere Township Zoning Ordinance by law is supposed to be consistent with and not less restrictive than the Pine County Zoning Ordinance, and should also adhere to the standards for the development and use of lands in shoreland areas set forth in Minnesota Rules Chapter 6120, commonly referred to as the State Shoreland Rules; and,

**WHEREAS**, the Minnesota Department of Natural Resources (DNR) has advised Windemere Township that it believes there are issues with the Township Zoning Ordinance in terms of consistency with the Pine County Shoreland Management Ordinance, as well as consistency with the State Shoreland Rules; and,

**WHEREAS**, the Township Zoning Administrator and consulting counsel, in response to the DNR concerns, have reviewed the Pine County Shoreland Management Ordinance and believe there are inherent contradictions in the county ordinance, and that both the Pine County Shoreland Management Ordinance and the Windemere Township Zoning Ordinance should be reviewed and studied to determine whether the requirements stated therein best advance considerations of public health, welfare and safety; and,

**WHEREAS**, the Township Zoning Ordinance has been in place for a number of years without any significant and systematic review of the same to determine adequacy and consistency with the stated goals and policies of the Township, and without any determination of whether the Ordinance embraces robust protections for the land, water and air resources of the Township; and,

**WHEREAS**, the Windemere Town Board of Supervisors, with the input and advice of the Township Planning Commission, believes it would be in the public interest to determine whether in light of the concerns of the DNR, the expressions of the Zoning Administrator and counsel, the lack of any recent systematic review of the Township Zoning Ordinance, and any changes in law or the interpretation of law that may have occurred since the last time the zoning ordinance was reviewed and/or amended, to study whether the Windemere Township Zoning Ordinance and any related official controls should be amended, extended, or added to in any way in order to better protect the public health, safety and welfare, and the land, water and air resources of the Township; and,

**WHEREAS**, the Windemere Township Planning Commission has responsibility for reviewing amendments to official controls within the Township, and the Windemere Township Zoning Administrator administers and manages official controls within the Township, such as the Zoning Ordinance.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Windemere Township Planning Commission and the Windemere Township Zoning Administrator are hereby directed and authorized to begin studying the Township's current zoning ordinance and any related official controls and plans to determine whether revisions, amendments, extensions, or any other changes to those ordinances would be necessary or desirable in order to protect the public health, safety and welfare in Windemere Township.
2. Due to the expressed concern of the DNR, the Windemere Township Planning Commission and the Windemere Township Zoning Administrator should, as part of that study, specifically determine needed changes to the official controls governing shoreland development in the Township, looked at in light of the requirements of Minnesota law.
3. The Windemere Township Planning Commission and the Windemere Township Zoning Administrator are directed to consider and determine the most appropriate means of conducting the study, including the means and manner of obtaining public input into the process, as well as the necessity and desirability of contracting with outside consultants or experts in order to assist in this process.

The motion for adoption of the foregoing Resolution was duly seconded by Township Supervisor Mark Dunaski and upon vote being taken thereon, the following voted in favor thereof: Chair Heidi Kroening, Supervisor Mark Dunaski, and Supervisor Tony Bakhtiari.

And the following voted against the same: None.

Whereupon said Resolution was declared duly passed and adopted, this \_\_\_\_ day of June, 2022.

**BY THE WINDEMERE TOWN BOARD**

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Heidi Kroening,

Windemere Board Chair

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Cindy Woltjer

Windemere Town Clerk