

Special Meeting of the Windemere Township Board - January 21, 2020

The meeting was called to order at 6:00 PM by Chairman, John Wesely. Others present were Supervisors, Pete Steen & Heidi Kroening, Zoning Administrator Phill White, Assistant Zoning Administrator Ryan Clark, Deputy Clerk Rhonda Young, and Caleb Anderson from the Pine County Zoning Department. Absent Clerk Scott Danelski & Treasurer Ron Mossberg.

WINDEMERE TOWNSHIP & PINE COUNTY ZONING COOPERATIVE :

Caleb Anderson from the Pine County Zoning Department was present to discuss with the Windemere Board the future of the Windemere Township Zoning Department and the possibility of Pine County assuming all or some of the township's zoning responsibilities. Anderson gave the attached PowerPoint presentation named Ordinance Comparison : Pine County & Windemere Township.

The Board expressed concerns of opting-in to the county-wide zoning and posed the list of following questions: 1) The county-wide ordinance was only adopted today (1/21/2020), how does the township know it will work for them when it is so new? 2) Do local business owners have the ability to have input into the county-wide zoning ordinance? 3) What are the provisions to opt-out of the county-wide zoning ordinance (either by ordinance or resolution)? 4) Can the township attach its own ordinance/resolutions other than a shoreland ordinances that are State or DNR approved? 5) Questions of possibly hiring an outside firm, and contracting with to have them to administer the township's Zoning Department.

Due to the low constituent turnout for tonight's meeting, the Board has decided to schedule another special meeting to further discuss the future of the Windemere Township Zoning Department. The Board hopes to have more constituents attend and participate with public comments regarding what model and which direction they would prefer the township to move forward with in regards to zoning.

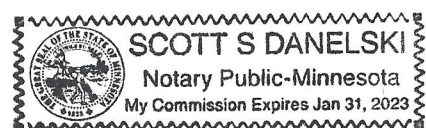
Motion made by Steen, seconded by Wesely to adjourn the meeting at 7:36 PM. Motion passed, 3 Aye - 0 Nay.

RESPECTFULLY SUBMITTED :

Clerk, Scott Danelski

APPROVED

Chairman, John Wesely



Ordinance Comparison: Pine County and Windemere Township

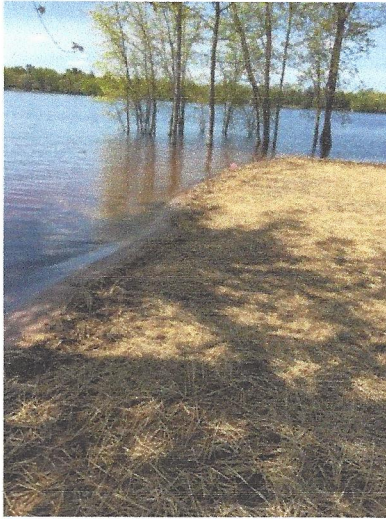
Prepared by:
Pine County Planning & Zoning Dept.
320-216-4220



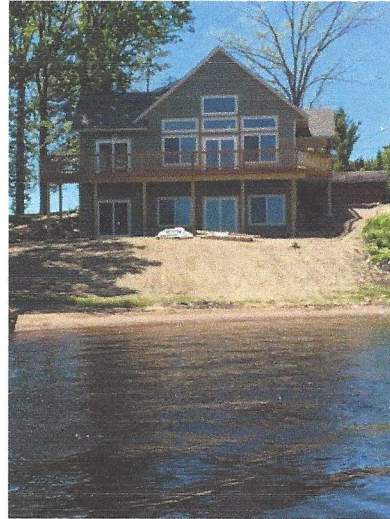
How did we get here?



Sediment runoff carries phosphorus, degrades water quality



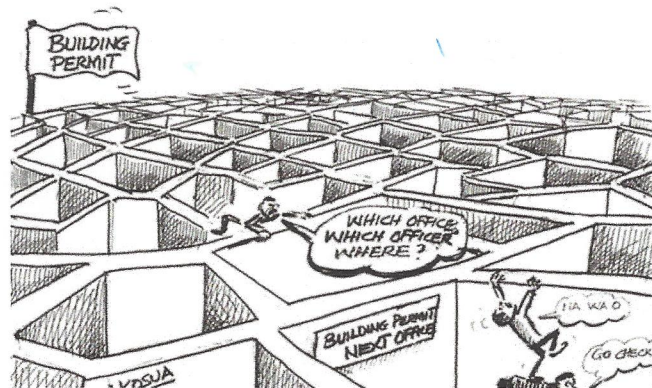
Shoreland fill projects are often wetlands projects: streamlined project review



Shoreland permits need diligent attention to sediment control.

Shoreland? All zoning?

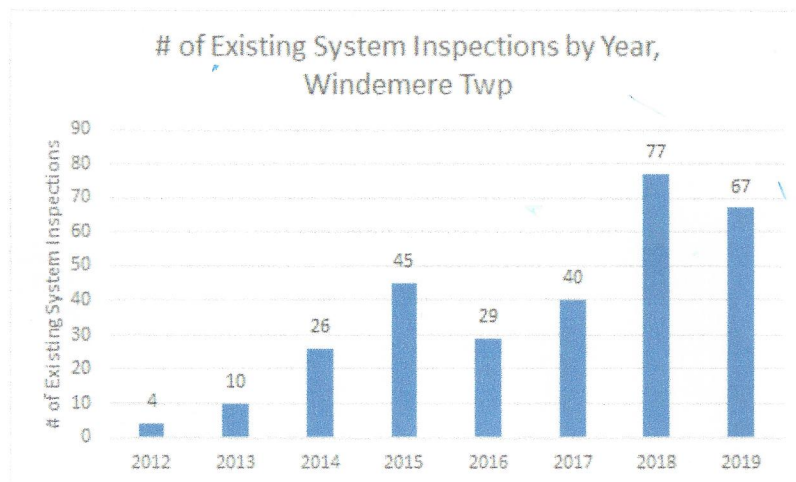
- According to Windemere Zoning staff, ~95% of permits are in shoreland.
- There are 47 townships and cities in Pine County and nearly that many zoning ordinances.
- The County sees benefit in streamlined, professional permitting for increased development and improved development outcomes.
- The County supports township zoning that is effective.



Basic Provisions

Reference	Windemere Ordinance	Pine County Ordinance	Reference
Article 2	All buildings of a like nature at a property must be finished with uniform material of similar appearance to current structures.	Silent	
Article 2 L	All manufactured homes must be installed according to MN Building Code.	Skirting is required. Mobile homes must be anchored to the ground.	County Zoning Ordinance 5.4.1
Article 2	Cellars, basements, garages, tents, or accessory buildings shall not be used as independent residence or dwelling unit.	Silent	
Article 2	All dwelling units shall have a minimum 750 sq feet enclosed first floor living space.	Silent	
Article 2	Mobile homes may only be used as a principal dwelling or guest cottage.	Silent	
Article 2	Two residential structures may be allowed on one parcel provided lot dimensional requirements can be met.	Only in the Ag district may you have two dwellings. A guest cottage is allowed in most districts.	County Zoning Ordinance 3.4.1
Article 2 A	Structural additions smaller than 150 square feet do not need a permit.	All structure additions need permits.	Shoreland 3.4.1 Zoning Ordinance 2.4.1
Article 2 J	Structures less than 150 sq ft are exempt from permitting unless they're a water oriented accessory structure.	Non-shoreland: Structures less than 120 sq ft do not need permits but must comply with setbacks.	Zoning Ordinance 2.4.1
Article 2 I	All building permits require SSTS inspection.	All permits in shoreland require SSTS inspection.	County SSTS Ordinance

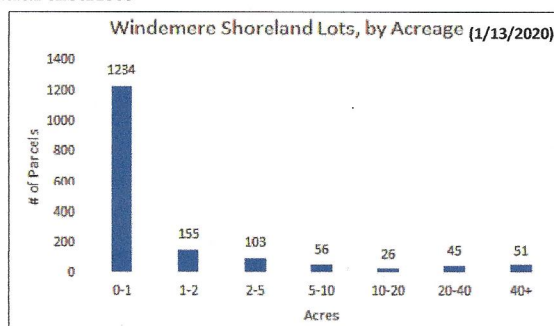
Septic System Inspections



Township SSTS Ordinance deferred to County October 2017

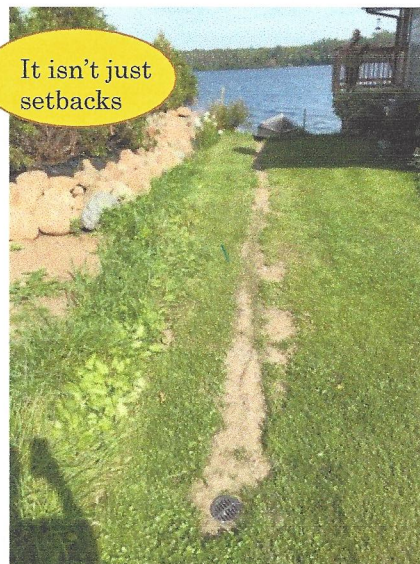
Shoreland Ordinances

- >95% of Shoreland Ordinance is identical.
- Both Ordinances have Special Oriented and Water Oriented Commercial Districts.
 - Water Oriented Commercial is virtually identical in both
- Residential districts have different scheme but are very comparable.
 - Township: lake classifications, County: residential districts
- Min Lot Sizes
 - Windemere Sewered Rec Development 20,000 sq ft
 - County Sewered Rec Development 15,000 sq ft
 - All other shoreland areas identical.



Shoreland Tidbits

- Sideyard Setback: 15' and 10' in Windemere. 5' in County
- Rearyard Setback: 20' in Windemere, silent in County
- Township has more prescriptive brush and shrub clearing standards. County researching similar language for possible amendment.
- Rec Development Lakes, SSTS setback: 100' in Windemere, 75' in County



Is this stormwater drain compliant?

Non-shoreland Districts and Purposes

Windemere Districts

- Residential Rural
To provide medium density, semi-rural or suburban on moderate size lots

- High Density Residential
To provide intensive residential use of land in areas of existing high density. In the future, it will be economically feasible to accommodate public or group facilities such as sewer and water.

- Agriculture

- Commercial

- Forest Management
- Special Protection

Comparable to County's RR5 and RR40

County Districts

- Rural Residential (RR5/10/20/40)
To foster residential and recreational development that protects woodlands and natural space as well as preserves the rural quality that makes the setting appealing.

- Rural Townsite (RT 0.5/1/2.5)
To foster residential and recreational development that protects woodlands and natural space as well as preserves the rural quality that makes the setting appealing.

- Agriculture

- Commercial

There is an alignment of purpose and vision.

Differences in Zoning Districts

The report highlights differences in which uses are allowed, permitted, conditional, etc.

The differences are not necessarily deliberate.

Reasonable people with a common vision and come to different conclusions in ordinance nuance.



Performance Standards

<u>Performance Standards Provided for the Following Uses:</u>			
Windemere District		County District	
Article V-A	Extractive use, Signs, Screening (County has screening standards specified by use in Section 4), Communication Towers		Section 4.1 – 4.10
	Loading and Parking, Private Drives	Second Residence, Temp Family Healthcare Dwellings, Manufactured or Mobile Home Parks, Solid Waste Disposal Sites, Commercial Solar and Wind Energy Systems	
Appendix N	Fences: more aggressive language	Fences: more basic language	Section 5.3.1

County Comprehensive Plan 2017-2030

- Foster a diverse, productive, and sustainable agricultural industry including: crops, livestock, forestry, ag support services, small to large farms, value added producers, and opportunities for new farmers.
- Enhance community and economic opportunities by improving access to broadband internet, higher wage jobs, and affordable housing.
- Promote property stewardship and management in order to accommodate tourism...
- Support small businesses and entrepreneurship
- Manage natural resources to optimize environmental and economic benefits in perpetuity.
- Ensure that development protects natural areas as well as water quality and habitat.



County Ordinance Purpose

County Board direction to create ordinance was under the following principles:

- Promote orderly growth and development.
- Stage development for efficient delivery of public services.
- Regulate land use in a manner appropriate to the locality.
- Protect community health, welfare, appeal, and property values
- Preserve natural resources and environmental quality.
- Limit congestion and promote safety along rights-of-way.
- Support the goals and recommendations of the Pine County Comprehensive Plan

Note: Economic development

County Ordinance Contents

I. Purpose and General Provisions

- I. Relationship to Other Ordinances, Opt-in procedure, Opt-out Procedure
- II. Jurisdictions, Nickerson, City of Kerrick, Denham
- III. Definitions

II. Administration and Enforcement

- I. Who does what?
- II. Permits, CUPs, IUPs, Variances, Appeals, Amendments
- III. Environmental review
- IV. Nonconformities (grandfathering)

III. Zoning Districts

- I. Districts and Purposes
- II. Setbacks and Lot Dimensions
- III. Density Zoning for Ag
- IV. Allowed Uses

IV. Performance Standards

- I. Salvage yards, Second Residence, Temporary Family Health Care Dwellings, Mobile Home Parks, Extractive Use, Communication Towers, Solid Waste Disposal sites, Feedlot, Solar and Wind Farms

V. General Development Standards

- I. Junk Storage, Signs, Fences, Mobile Homes

VI. Zoning Map, Separate Document

County Zoning Administration

- The Floodplain, Shoreland, and Kettle River Ordinances will serve as overlay districts.
- Townships and Cities may opt-in or opt-out at any time. Any such action requires Ordinance amendment
- **Zoning Administrator:** Enforces and administers Ordinance, issues permits, and maintains records, serves as public point-of-contact, inspects development for compliance
- **Zoning Board:** 7 member appointed board, conducts public hearings, reviews and decides on CUPs and IUPs, reviews and decides on variances, hears and decides on appeals, provides recommendations to County Board for Ordinance amendments.
- **County Board:** Adopts and Amends Ordinance, holds public hearings for adoption and amendments
- **Appeals of Zoning Administrator Determinations:** Landowners are given 30 days to contest a determination to the Zoning Board
- **Appeals of Zoning Board Decisions:** Landowners have 30 days after ZB decisions to appeal to district court.
- **Environmental Review:** MN 4410 describes which projects require Enviro. Assessment Worksheet or Enviro. Impact Statement. Delegates local government for certain projects.

County Zoning Administration

Permits Required:

- Non-shoreland: All structures intended for human habitation, and other structures 121 sq ft or larger.
- Shoreland: All structures
- Signs, except for those exempted
- Ground mounted non-commercial solar arrays and wind turbines
- Shoreland: grading and filling, roads, driveways, parking areas, nonexempt patios

Current Schedule of Fees:

- \$150 for dwelling or dwelling additions,
- \$100 for decks or storage buildings
- \$600 for CUP or IUP
- \$600 for variance
- \$600 for ordinance amendment
- \$100 for grading and filling unless part of building permit in shoreland
- \$50 for road, driveway, parking area, or patio in shoreland

Ordinances: www.co.pine.mn.us

PINE COUNTY MINNESOTA

HOME GOVERNMENT DEPARTMENTS VISITORS COMMUNITY HOW DO I

ORDINANCES AND PLANS

Home > Departments > Planning And Zoning > Ordinances And Plans

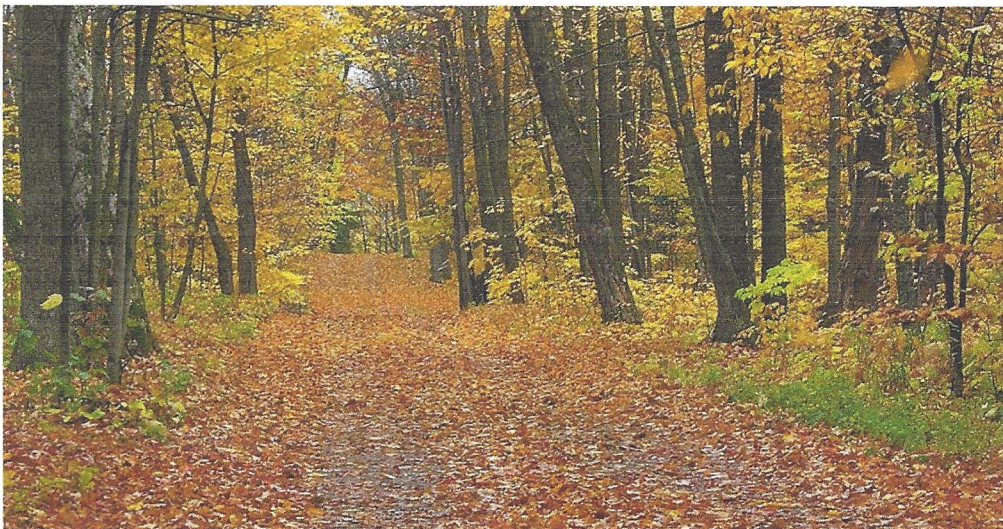
Planning and Zoning

- Building Site Permits
- Septic System Permits & Information
- Subdivisions
- Shoreland Properties
- Flood Plain Management
- Wetlands and Water Planning
- Ordinances and Plans

Pine County has a number of land use ordinance and plans as noted below.

- [Pine County Comprehensive Plan 2017-2030](#)
- [Pine County Buffer Ordinance](#)
- [Pine County Flood Plain Ordinance](#)
 - [2016 Floodplain Ordinance Amendment](#)
- [Kettle River Wild and Scenic River Ordinance](#)
- [Shoreland Management Ordinance](#)
 - [2017 Shoreland Ordinance Amendment \(Section 1\)](#)
 - [2018 Shoreland Ordinance Amendment 2018-07](#)
- [Pine County Subdivision and Platting Ordinance](#)
 - [2017 Subdivision and Platting Ordinance Amendment \(Section 2\)](#)
 - [2018 Subdivision and Platting Ordinance Amendment](#)

Questions



General Andrews State Forest