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DRAFT RESOLUTION 2019-4
TOWN OF SILVER CREEK
LAKE COUNTY, MN
Repealing the
Castle Danger Subordinate Service District Phase I
Land Use Ordinance

WHEREAS, the Board of Supervisors of the Town of Silver Creek adopted the Castle Danger Subordinate Service District Phase I Land Use Ordinance (hereinafter “the Ordinance”) in or about January 1999 on the basis of the Board of Supervisor’s determination that there was a need to guide future development of land to insure a safer, more pleasant, and more economical environment; to allow for residential, commercial and public activities; to preserve open lands; and to promote the public health, safety, and general welfare; and,

WHEREAS, the Ordinance was amended on August 1, 2000, February 5, 2002, and on February 2, 2010, for reasons consistent with the Board of Supervisor’s initial adoption of the Ordinance and to address specific land use needs existing in the Castle Danger Subordinate Service District Phase I; and,

WHEREAS, the Board of Supervisors also created the Silver Creek Planning Commission to serve as an advisory body to the Town Board of Supervisors in relation to administration and enforcement of the land use rules and restrictions contained in the Ordinance and all amendments thereto, in accord with Minn. Stat. § 462.351; and,

WHEREAS, at the time of its initial adoption and subsequent amendment, the land use rules and restrictions in the Ordinance differed from Lake County’s land use rules and restrictions in ways that supported and justified the need for the Town to have its own land use Ordinance for the Castle Danger Subordinate Service District; and,

WHEREAS, since the initial adoption of the Ordinance and the amendments thereto, Lake County has amended its land use rules and restrictions in a manner that renders many, if not most, of the rules and restrictions the same as or similar to those contained in the Ordinance; and,

WHEREAS, all areas within the Town of Silver Creek, but outside of the Castle Danger Subordinate Service District Phase I, have continuously been subject to land use rules and restrictions administered and enforced by Lake County; and,

WHEREAS, the training in wetland identification, and other technical training necessary for administering zoning in the state of Minnesota, is time consuming for an elected Clerk and must be repeated each time a new clerk is elected; and,

WHEREAS, the Castle Danger Subordinate Service District Phase I Land Use Ordinance is a supplement to Lake County’s Land Use Ordinance #12, current administration by the Clerk requires knowledge and training on two sets of zoning regulations; and,

WHEREAS, the Board of Supervisors has determined that the cost of administering and enforcing the Ordinance now outweighs the benefits to Town residents from the Ordinance’s land use rules and restrictions, particularly due to the limited and decreasing differences between the rules and restrictions in the Ordinance and those enforced by Lake County; and,

WHEREAS, the Board of Supervisors has determined that the financial and time costs required in the administration and enforcement of the Ordinance's rules and restrictions exceed the amount of funds collected from land use application fees; and,

WHEREAS, the Board of Supervisors conducted a properly noticed public hearing to address the question of the future of the Ordinance;

NOW THEREFORE, BE IT RESOLVED, that, based on the findings and determinations stated above, the Board of Supervisors of the Town of Silver Creek, pursuant to its powers under Minn. Stat. § 462.357, does hereby repeal the Castle Danger Subordinate Service District Phase I Land Use Ordinance, including any and all amendments thereto, in its entirety, effective January 1, 2020.

The Board of Supervisors further abolishes the Silver Creek Planning Commission as of the effective date stated above.

As a consequence of the repeal of the Ordinance, including all amendments thereto, and elimination of the Planning Commission, all lands in the Castle Danger Subordinate Service District Phase I will be subject to Lake County land use controls and zoning upon the effective date stated above.

The foregoing Resolution applies only to the *Castle Danger Subordinate Service District Phase 1 Land Use Ordinance*. It does not dissolve the District itself; nor does it change the administration of the Castle Danger Sanitary Sewer System.

Adopted this ____ day of _____, 2019.

Gregory Hull, Chairman of the Board

Dennis Moen, Supervisor

Chuck Voss, Supervisor

ATTEST:

Alison Oftedahl, Town Clerk