

Windemere Township Plan

Windemere Township

Pine County, Minnesota

Adopted July 7, 2020

A Forward to The Windemere Township Comprehensive Plan

Adopted July 7, 2020

Throughout the three years of working group discussions, public comment opportunities, Planning Commission meetings and regular Town Board meetings, this document was forged, refined and officially adopted for use on July 7, 2020. The Windemere Township Board of Supervisors wishes to take this opportunity to clarify what this document is and what it is not.

The Windemere Comprehensive Plan Is:

- A vision statement that reflects the concerns and hopes for the kind of place Windemere residents want this township to be, and the direction they hope it will go
- A resource and reference guide for decision-making now and into the future
- A document that serves to provide CONTINUITY from the time of its adoption into the future, so that it stands regardless of who serves on the Township Board of Supervisors or the Township Planning Commission.
- A document that provides information that reflects the feelings and aims of the majority of Windemere residents when questions arise about the direction the township might take to solve a particular problem
- A document that must be officially reviewed every ten years. The Planning Commission has accepted a plan to review it yearly at their final public meeting of the year, to see if any of the recommendations in the plan need to be brought forward for township consideration.

The Windemere Township Comprehensive Plan Is Not:

- A new rule of law, nor does it automatically change any ordinance currently on the books in Windemere Township as of the date of its adoption (July 7, 2020)
- A vehicle for changing any of the daily workings of Windemere Township
- The method by which any ordinance of the Township is changed. For specific changes recommended in the Comprehensive Plan to become ordinance, the change must be vetted by official public process again before the Township Board of Supervisors can adopt any new or modify any existing ordinance.

Windemere Township Plan

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Windemere Township Plan

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1.0 Introduction and Summary

The Purpose and Role of this Plan

This Comprehensive Plan is a policy guide for Windemere Township, its vision statement. It addresses subjects such as the pattern and intensity of land use, lakeshore use and protection, township roads, water quality protection, amendments to zoning regulations and other issues.

Township leaders should refer to this plan when writing or amending local regulations, setting budgets, or administering the zoning and subdivision ordinances. Landowners and prospective land developers should consult the plan when crafting zoning applications or considering building decisions. Officials from other units of government may use it to determine the Township's intentions when they seek to coordinate actions.

The Township intends to review this plan on a regular basis and modify it occasionally to help ensure that it remains relevant and useful.

How this Plan Was Prepared

This plan was prepared under the direction of a committee of local residents, landowners and business people appointed by the Township Planning Commission, who themselves were appointed by the Board of Supervisors. The committee members were expected to represent the community and to reach out to people in their organization, neighborhood or social circle. A professional community planning consultant provided guidance and prepared drafts.

The process began with exercises to identify problems and opportunities in a wide range of subjects. These were expressed as issues, written in the form of questions, and listed in the Appendix.

The citizens' advisory committee reviewed drafts of the plan and discussed changes. Drafts of the plan were made available to the public, and comments were solicited. Efforts were made to alert the public about the process and the availability of a draft plan, and to encourage them to comment. All meetings of the advisory committee were open to the public. A draft of the plan was reviewed with the Township Board of Supervisors. Several formal public hearings were announced and conducted to receive public comments.



Members of the Citizens Advisory Committee meeting at Town Hall

Major Recommendations

1. **Zoning Administration:** Improve the administration and enforcement of current land use regulations, particularly regarding lakeshore locations. See page 2-1.
2. **Zoning Variances:** Grant fewer variances to the zoning regulations, particularly in regard to house setbacks from the lakes and/or on-site wastewater treatment. Page 2-1.
3. **Minimum Lot Sizes:** Increase the minimum size of residential lots that do not have public sewer in all zoning districts. Not affected by this change would be lots in the Shoreland Overlay District and lots that exist when the zoning ordinance is amended. See pages 2-4 through 2-8.
4. **High-Density Residential Areas:** Do not approve any more High-Density Residential zoning locations not served by public sanitary sewer lines. See page 2-4.
5. **Activities Incompatible with Housing:** Disallow new applications in the Rural Residential Area for these activities: mining, businesses other than home occupations or value-added agricultural businesses, garbage transfer stations, and farming that involves more than a small number of animal units, the number to be determined. See page 2-4.
6. **Agriculture Businesses:** Continue to allow value-added agricultural businesses in the Rural Agricultural Area (the Agricultural zoning district) if they meet the requirements for on-site wastewater treatment adopted by Pine County. See pages 2-4 and 2-7.
7. **Gravel Mining:** Clarify and strengthen regulations on gravel mining. See page 2-8.
8. **Town Hall:** Consider acquiring a site for a new town hall. See page 2-8.
9. **Water-Oriented Accessory Structures:** Limit the size to 100 square feet and require them to be set outside the Shore or Bluff Impact Zones. See page 2-9.
10. **Multiple-Family Housing:** No longer allow multiple-family housing in the Shoreland District except as a Conditional Use in the Water-Oriented Commercial-Residential District. See page 2-9.
11. **On-Site Wastewater Inspections:** Windemere Township will monitor the frequency of on-site wastewater system inspections conducted under the 2017 Pine County ordinance. Better enforcement of the current regulations is the best way to ensure that these systems are not contributing to pollution of the lakes and streams. If it is judged that County inspection and enforcement are not adequate, then Windemere Township will study and seek to adopt an ordinance that requires all on-site wastewater systems in the Shoreland zoning district older than 15 years to be inspected at least once every 5 years. The Township would be responsible for such supplementary inspections and would report its work to the County. See page 2-11.
12. **Public Sewer Lines:** In the short-term future, Windemere Township will not petition the Sewer District to extend a collection line around Island or Sturgeon Lakes. Instead, the Township will coordinate with the District to inspect and attempt to improve the performance of on-site wastewater systems around those lakes. The Township will continue to study whether local, county, state and/or federal financial assistance can be

programmed to defray some of the cost to property owners of a future sewer line. The Township's expectation is that a collection line around those lakes is inevitable and ultimately desirable for the sake of water quality and public health. See page 2-12.

- 13. Wetland Protection:** Windemere Township will continue to work with Pine County Zoning to protect wetlands from loss or damage during construction projects. Amend Township zoning ordinances to more clearly state the requirements for the protection of wetlands, floodplains and shorelands during the process of reviewing applications for land development. See page 2-12.
- 14. Floodplain Protection:** Continue to coordinate with Pine County to review and regulate any land development, grading or drainage work in a mapped 100-year or 500-year flood zone. See page 2-12.
- 15. Willow River Protection:** Continue to administer and enforce its zoning districts that help protect the Willow River. Those are the F-2, Special Protection, and the Shoreland Management Overlay. See page 2-12.
- 16. Boat Docks:** Continue to regulate boat docks according to the regulations of the Minnesota Department of Natural Resources General permit 2008-0401. See page 2-15.
- 17. Lakeshore Vegetation:** Continue to require a DNR aquatic plant management permit for the removal or cutting of emergent vegetation such as cattails and the use of pesticides in public waters. See page 2-15.
- 18. New Commercial Campgrounds:** Allow new commercial campgrounds only in the Rural Agricultural Area but outside the Shoreland and Special Protection zoning districts. See page 2-16.
- 19. Vacation Rentals:** Prepare and adopt ordinances for "vacation rentals by-owner" or other private property rental arrangements. Pine County has no such regulations and there are a growing number of such activities that cause enough problems to be a public concern. See page 2-16.
- 20. Recreational Vehicle Occupancy:** Study whether additional regulations are needed regarding operable or inoperable recreational camping vehicles. Consider the size of the residential parcel, and the frequency and duration that a recreational vehicle may be used for overnight accommodation on a residential parcel. See page 2-17.
- 21. Identity and Communication:** Work to heighten the identity and image of the township through improvements to Township identity, public communication and entry signs. See page 2-19.
- 22. Plan Updating:** Review and update the plan on a periodic basis to keep it relevant and usable. See page 3-5.

2.0 Policy Plan

Under each subject in this major section of the Windemere Township Comprehensive Plan there are concise statements describing the Township’s intentions. Some subjects also include explanatory background material.

Township Goal / Vision Statement

Windemere Township seeks to be a community that balances the protection of its natural resources with opportunities to use the land for home, work and enjoyment, knowing that these aims are mutually supportive. The Township values following a long-term Township plan and ordinances that lead to a future that is sustainable for individuals, the natural world that supports us, and local government. The Township seeks to vigorously protect lakes and wetlands, its greatest natural resources, by nurturing a more understanding relationship among stakeholders. Consistent application of sensible land use rules may also lead to better neighbor relations. Through these and other actions, the Township will strengthen its sense of place and community, and balance the use and protection of its natural resources.

The Rural Agricultural Area

The location of the Rural Agricultural Area is depicted on Figure 1, Future Land Use Plan. It consists of locations that area presently zoned A-1, Agricultural Open Space District. A high percentage of the Rural Agricultural Area is wetland or forest.

Land Uses

The primary types of land uses that should be allowed in the Rural Agricultural Area are:

- Farms, including farmstead houses; livestock; greenhouses; plant nurseries
- Confined animal feedlots that follow State regulations
- Farm-related businesses and industries
- Forestry
- Single-family non-farm houses
- Mining, with limitations and conditions
- Commercial campgrounds, with conditions
- Solar or wind energy farms
- Churches
- Home occupations
- Public parks or protective open space

Two-family and other multiple-family residential buildings should not be allowed in the Rural Agricultural Area, contrary to the current zoning regulations.

Minimum Lot Sizes

The minimum lot size for a house in the Rural Agricultural Area is should be increased to 10 acres from 5 acres. Nearly every parcel in the Rural Agricultural Area is as large as or larger than 10 acres. New house construction, expansion or remodeling, including new accessory buildings, on parcels smaller than 10 acres that exist when the zoning ordinance is amended would be allowed by the current Township zoning regulations as long as setback and on-site sewage requirements are met. (Refer to the Township zoning ordinance, Article IV, Non-Conformities, Section 4, C.)

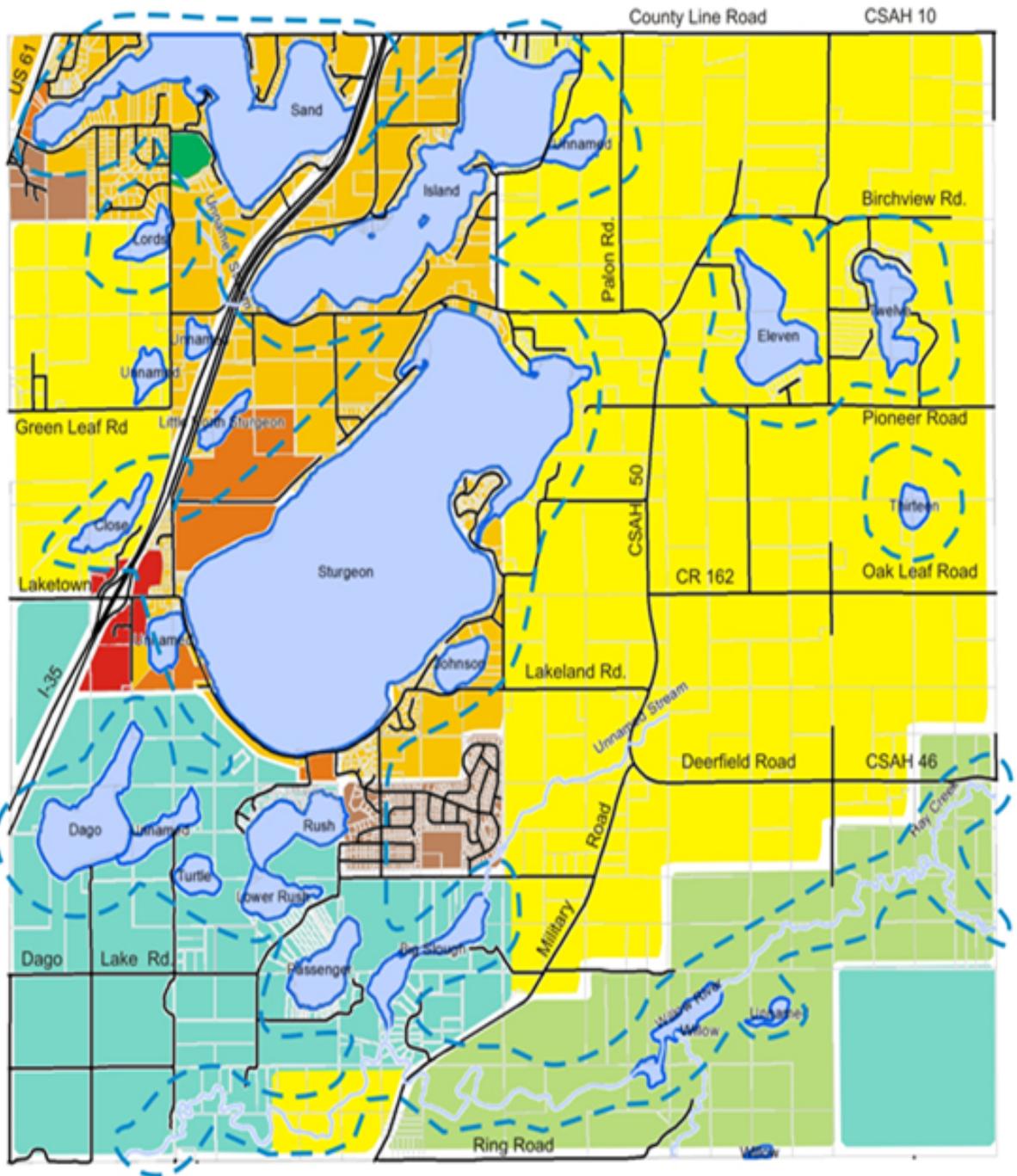


Figure 1
**Land Use
 Plan Map**
 11-13-19

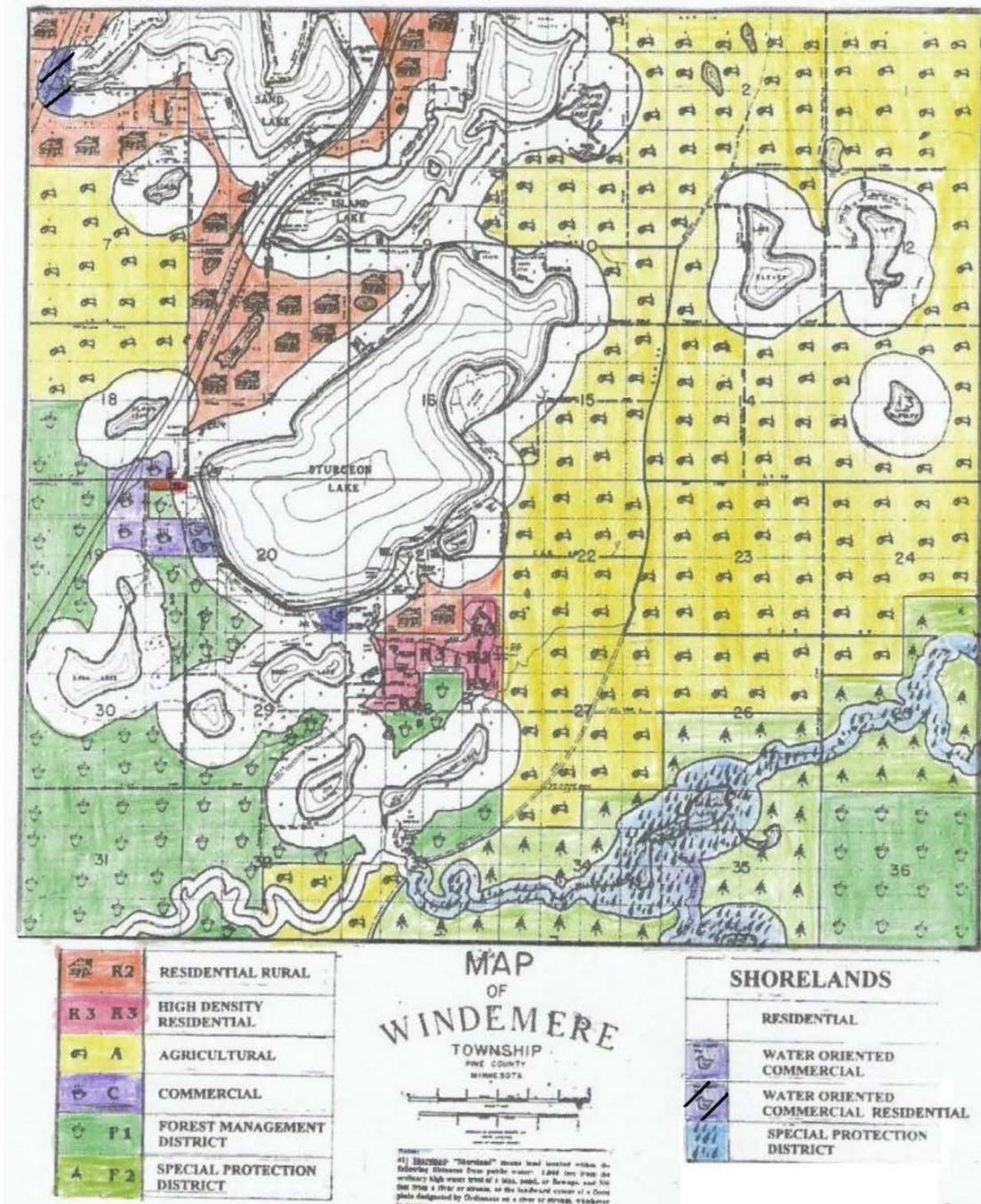


Figure 2 -- Township Zoning Map 2017

A Land Use Plan Map Versus a Zoning Map

Figure 1 is a land use plan map, not a zoning map. Figure 2, above, is the current Township zoning map. They are not the same.

A land use plan map, like the rest of this document, is a policy statement and an inexact guide to drawing a zoning map. However, a zoning map is part of the zoning ordinance, has the force of law, and is exact and specific to every parcel of land.

Figures 1 and 2 look intentionally similar. That means that few, if any, changes to the zoning map would be needed to bring it into conformance with the land use plan map. Conformance is not required legally but the Township should refer to the adopted land use plan map when considering amendments to the zoning map.

Residential Areas

Residential areas consist of the Rural Residential and the High-Density Residential Area as shown on Figure 1, Future Land Use Plan. Figure 3 shows the locations of land parcels that have a house.

Rural Residential Area

The Rural Residential Area includes locations that are presently zoned R-2, Rural Residential.

Land Uses in the Rural Residential Area

The primary types of land uses that should be allowed in the Rural Residential Area are:

- Single-family and two-family houses
- Farms, excluding livestock; greenhouses and plant nurseries
- Forestry
- Places of worship
- Home occupations
- Parks or protective open space.

Zoning should be amended to no longer approve new applications in the RR Area for:

- Mining
- Garbage transfer stations
- Businesses other than home occupations
- Farming involving more than a large number of animal units, the number to be determined by ordinance.

Minimum Lot Sizes in the Rural Residential Area

The minimum lot size for unsewered lots platted in the future in the Rural Residential Area should be 2 acres (87,120 square feet) instead of the current 40,000 square feet. This will allow sufficient space to separate the on-site wastewater treatment from the on-site well and also provide space for a replacement treatment system. Likewise, the minimum lot width should be increased to 150 feet from the current 100 feet. If a holding tank is used, the lot size may be 40,000 square feet

There would be no change to the required dimensions for sewerred lots, which are 20,000 square feet and 100 feet wide.

High-Density Residential Area

The High-Density Residential Area is limited to the location known as Hogan's Wild Acres and zoned R-3. No more land is available for subdivision in that location.

The area planned as High-Density Residential south of Sand Road (the SunBay Mobile Home Park) is served by public sanitary sewer and has its own community water well and distribution system.

Minimum Lot Sizes in the High-Density Residential Area

The minimum lot size for unsewered lots platted in the future in the High-Density Residential Area should be 40,000 square feet instead of the current 20,000 unless the on-site wastewater system is a closed holding tank. This is for the sake of public health.

The Forest Management Area

The Forest Management Area includes the General CC Andrews State Forest plus additional acreage around Rush, Turtle, Passenger and Big Slough Lakes. Approximately 70 percent of the State Forest is owned by the State while the balance is privately owned and used for homes, farms or small businesses. (General Andrews was a Civil War officer and the State's first chief fire warden.)

Land uses that will be allowed in the Forest Management Area include:

- Single-family houses
- Farms, including livestock
- Mining, with limitations and conditions
- Commercial or private recreation
- Forestry and directly related businesses.

Note that the minimum lot size for a house in the Forest Management Area is proposed to be increased to 10 acres from 5 acres. Nearly every parcel in the Forest Management Area is as large as or larger than 10 acres. New house construction, expansion or remodeling on parcels smaller than 10 acres (existing on the date the zoning ordinance is amended) should be allowed by the Township zoning regulations as long as setback and on-site sewage requirements are met.

Special Protection Area

The Special Protection Area includes:

- **The Shoreland Area** of the Willow River from Military Road to the eastern border of the Township; this area extends 300 feet from the Ordinary High Water Line¹ of the river.

The Willow River and its Hay Creek tributary are protected under the State's Shoreland Management program and the Windemere Township Special Protection zoning district. Downstream of Military Road, the Willow River Shoreland Area is zoned as Rural Residential rather than Special Protection. The Willow River flows west into the Kettle River, which is a Minnesota Wild and Scenic River.

- **Designated sections** of land abutting or surrounding The Willow River Shoreland Area that were judged by a prior Township Board to be necessary for the protection of the Shoreland portion of the Special Protection Area.

The Special Protection Area is intended to protect locations that are environmentally sensitive, including forest, aquifers, lakes, wetlands and the Willow River and Hay Creek. There are many locations along the streams that are mapped as floodplains.

¹ For lakes and wetlands, the Ordinary High Water Line (OHWL) is the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape. The OHWL is commonly that point where the natural vegetation changes from predominately aquatic to predominantly terrestrial. For rivers and streams, the OHWL is the elevation of the top of the bank of the channel.

Land uses that will be allowed in the Special Protection Area include:

- Farming, forestry and plant nurseries
- Public recreation and public open space
- Single-family houses.

Note that the minimum lot size for a house in the Special Protection Area is proposed to be increased to 20 acres from 5 acres. This change would be consistent with the existing lot sizes and the intended purpose of the Special Protection Area. Nearly every parcel in the Special Protection Area is as large as or larger than 20 acres. New house construction, expansion or remodeling on existing parcels smaller than 20 acres (existing on the date the zoning ordinance is amended) would be allowed by the current zoning regulations as long as setback and on-site sewage requirements are met.

Commercial Areas

Retail and service businesses other than those mentioned below should be located around the interchange of I-35 and Laketown Road. Note the additional commercial area planned east of Warbler Lane south of Laketown Road; this would require a change in zoning.

Home Occupations

Home occupations will be allowed in all residential or agricultural zoning districts if they meet the standards established in the zoning ordinance.

Value-Added Agricultural Businesses

Value-added agricultural businesses will be allowed in the Rural Agricultural Area (the Agricultural zoning district) outside of the Shoreland Areas if they meet the requirements for on-site wastewater treatment adopted by Pine County. A value-added business is one that uses crop or animal products produced in the region to create new products for wholesale or retail trade.

Campgrounds or Resorts

Refer to the section titled Campgrounds and Resorts on page 2-16, Seasonal Population.

Golf Courses

The Moose Lake Golf Course, shown on Figure 1, Land Use Plan Map, would continue to be zoned as a Permitted Use.

New, future golf courses should be allowed in the Rural Agricultural or Rural Residential Areas including in the Shoreland Area.

Industry

Mining

Mining and extraction industries may continue to be allowed by Conditional Use Permit in the Agricultural zoning district but outside any Shoreland Management Overlay zoning district. The Township will study and possibly eliminate this Conditional Use from the Special Protection Area. It is not a listed Conditional Use in the Forest Protection Area, which is entirely State Forest.

Forestry

Forestry will be permitted throughout the Rural Agricultural Area as long as it meets the requirements in the zoning ordinance for erosion control, surface water management, reclamation and so on.

Public Use Areas

Figure 1, Land Use Plan Map, shows the location of the Windemere Town Hall and the four properties owned by the Minnesota Department of Natural Resources for public lake access. The public boat launches are on Sand, Island, Sturgeon and Dago Lakes.

Town Hall and Meeting Room

Windemere Township may consider acquiring a site for a new Town Hall and general purpose meeting room. The building should be designed with an Up North or rural style, have a flexible floor plan and partitions. The site could include a couple wooded acres for a picnic area.

The existing Town Hall building was a one-room schoolhouse built in 1890 and is obsolete for its present use.

Shoreland Areas

The land around the lakes and along the streams will be managed according to the ordinances of the Shoreland Management Overlay zoning district, Section 10 of the Township zoning ordinance. That zoning district supplements and modifies the “underlying” zoning district, whatever that may be. The Shoreland is defined as land within 1,000 feet of designated lakes and 300 feet of designated streams.

The Township will adhere closely to those regulations because they will help protect the natural ecology of the shoreland areas, the water quality of the lakes and streams, the scenic quality of the shoreline, public health and property values. Variances to those regulations should only be granted by the Township in rare circumstances and when the applicant has met all of the statutory tests for a variance. (See the section on variances under Plan Implementation.) The lakes are the greatest natural resource of Windemere Township and deserve an appropriately high level of protection and care.

Proposed Amendments to the Shoreland Regulations

- **Water-oriented accessory structures:** Amend Section 10-E-9 of the zoning ordinance to limit these structures to 100 square feet (presently 250). Require them to be set outside the Shore Impact Zone (halfway to the required house setback) or the Bluff Impact Zone (30 feet behind the bluff line).

Delete the size exception in Section 10-E-9-f which allow water-oriented accessory structures up to 400 square feet.

Enforce these regulations consistently and comprehensively.

These structures can become a significant visual and ecological impact on the shoreline. Many have been built closer to the water than the required 10-foot setback would allow; some are illegally located over the water or in the lake. Very few or none are used for boat storage. Human habitation is not to be allowed in these structures.

- **Average setbacks from the lakes:** Subdivision IIIA, Section 10, E of the Township zoning ordinance should be deleted. It allows without a variance a new or expanded house to be built closer to a lake than normally allowed if the houses on the adjacent lots are also set closer than normally allowed by the zoning ordinance as long as the new house is not in the Shore or Bluff Impact Zones. This change is perhaps the only way to bring setbacks into conformance with the ordinance over the long term.
- **Confined animal feedlots and mining** should no longer be allowed in the Shoreland Area. Feedlots will continue to be regulated according to State guidelines.
- **Multiple-family housing:** Amend the zoning ordinance to no longer allow multiple-family housing in the Residential base zones of the Shoreland Overlay District but continue to allow any type of multiple-family housing as a Conditional Use in the Water-Oriented Commercial-Residential base zone. Emphasize that adequate sewage treatment must be provided. Multiple-family housing includes housing with services designed for and marketed to the elderly. (Sections 10-B-2 and -3, page 40, of the zoning ordinance)
- **Future, new commercial marinas** should no longer be allowed in the Shoreland Area.

Summary of the Current Shoreland Management Overlay Regulations

- Regulates lot sizes, placement of structures. and alterations of shoreland areas

- Applies within 1,000 feet of lakes and 300 feet of designated streams
- There are two types of lake classifications in Windemere Township, each with slightly different regulations: Recreational Development and Natural Environment. The former includes Island, Sturgeon, Eleven, Twelve, Passenger, Rush and Sand. The other ten are classified as Natural Environment lakes
- Five streams are classified as Tributary Rivers: Willow, Little Willow, Hay Creek, Big Slough Creek and an unnamed creek.
- Single-family houses are a Permitted Use in all Shoreland Areas except in the Special Protection sub-district, where houses are allowed by Conditional Use Permit².
- Multiple-family housing is allowed only with a Conditional Use Permit., whether in the Rural Residential zone or the Water-Oriented Commercial District.
- Water-oriented businesses are allowed as a Permitted Use in the Water-Oriented Commercial sub-district.

Table 1: Housing Regulations (Partial) for Riparian (Shoreline) Lots:

	Unsewered Lot	Sewered Lot
Recreational Lakes		
Minimum lot size	40,000 sf	20,000 sf
Minimum lot width	150	100
Setback from OHW line *	100	75
Setback from top of bluff	30	30
Natural Environment Lakes		
Minimum lot size	80,000 sf	80,000 sf
Minimum lot width	200	125
Setback from OHW line *	150	150
Setback from top of bluff	30	30
Tributary Rivers		
Minimum lot width	200	Not applicable
Setback from OHW line *	100	Not applicable
Setback from top of bluff	30	30

* OHW: Ordinary High Water

- Other Shoreland Management Overlay zoning regulations address:

Lot coverage	Decks, lifts and landings
Setbacks for septic systems	Steep slopes and stairs
Accessory structures (garages, sheds)	Commercial development
Building height	Parking, including recreational vehicles
Boat docks, slips and boat houses	Shoreland alterations, grading, filling and removing vegetation
The Shore Impact Zone (from the water half way to the building minimum setback) and the Bluff Impact Zone (the first 30 feet back from top of the bluff)	

² A conditional use is a land use that may be allowed in a given zoning district if it meets the conditions for that use specified in the ordinance. The Board of Supervisors, in approving a conditional use, may add other conditions that are “reasonable.” Only those uses listed in the ordinance as conditional uses may be approved. The Board has broad discretion to approve or not approve an application for a conditional use permit.

Water Quality

Windemere Township is rich in water, either as lakes, streams, wetlands or groundwater. Water is the township's greatest natural resource. Consequently, there is a special need and interest in adopting and enforcing adequate ordinances or improvements against water pollution and shoreline degradation.

Please refer to Appendix A for background material addressing:

- Local water quality responsibilities
 - Windemere Township
 - Pine County
- Other organizations providing assistance and advice
 - Pine County Soil and Water District
 - Moose Lake-Windemere Sanitary Sewer District
 - Windemere Lake Owners' Association
 - Minnesota Department of Natural Resources
 - US Army Corps of Engineers
 - Minnesota Board of Water and Soil Resources
- Recent wastewater studies involving Island and Sturgeon Lakes
 - Lake Sewer Feasibility and Cost Study, 2014
 - Sewer District Planning Study, 2014

Recommendations for On-Site Wastewater Systems

Windemere Township shall work to compel Pine County to enforce its 2017 ordinance that requires on-site inspections by licensed agents of the County whenever one of the following trigger events occurs:

- Any building or zoning permit
- Sale of the property
- Change in the use of the property (example: residential to commercial)
- When major repairs, modifications or updates are made to an existing system
- Any township permit to increase the number of bedrooms
- Any time a complaint is received.

It is felt that better enforcement of the current regulations is the best way to ensure that these systems are not contributing to pollution of the lakes and streams. That ordinance moved the responsibility for inspections from the Township to the County.

Windemere Township will monitor the frequency of inspections of on-site wastewater systems. If it is judged that County inspection and enforcement are not adequate, then the Township will study and seek to adopt an ordinance that requires all on-site wastewater systems in the Shoreland zoning district that are older than 15 years to be inspected at least once every 5 years. The Township would be responsible for such supplementary inspections and would report its work to the County for addition to the County's records.

The Shoreland is the location where there is the greatest potential and likelihood of wastewater polluting surface water. Most of these systems have not been inspected for many years, maybe decades. The average life of a wastewater drain field is 10 to 25 years.

The Shoreland consists of property within 1,000 feet of each lake and 300 feet from designated streams.

Recommendations Regarding Lake Area Sewage Collection

In the short-term future, Windemere Township will not petition the Sewer District to extend a collection line around Island or Sturgeon Lakes. Instead, the Township will coordinate with the District to inspect and attempt to improve the performance of on-site wastewater systems around those lakes. The Township will continue to study whether local, county, state and/or federal financial assistance can be programmed to defray some of the cost to property owners of a future sewer line. The Township's expectation is that a collection line around part or all of those lakes is inevitable and ultimately desirable for the sake of water quality and public health. The top priority location would seem to be the south shoreline of Sturgeon lake east to Johnson Lake and into the Hogan's Wild Acres neighborhood.

Wetlands

Windemere Township will continue to work with the Pine County Soil and Water Conservation District (SWCD) to protect wetlands from loss or damage during construction or other land alteration projects. See Figure 3 on the next page for the locations of the major wetlands in Windemere Township.

The Township will adopt and strictly enforce a zoning ordinance that a wetland delineation study be prepared for review and approval by the Pine SWCD before any permit is given for any grading or drainage improvement.

The Township zoning ordinances will be amended to more clearly state the requirements for the protection of wetlands, floodplains and shorelands during the process of reviewing applications for land development. Public agencies, including Windemere Township, will be held to the highest standards of these and similar regulations.

Floodplains

Windemere Township will coordinate with Pine County to review and regulate any land development, grading or drainage work in a mapped 100-year or 500-year flood zone.

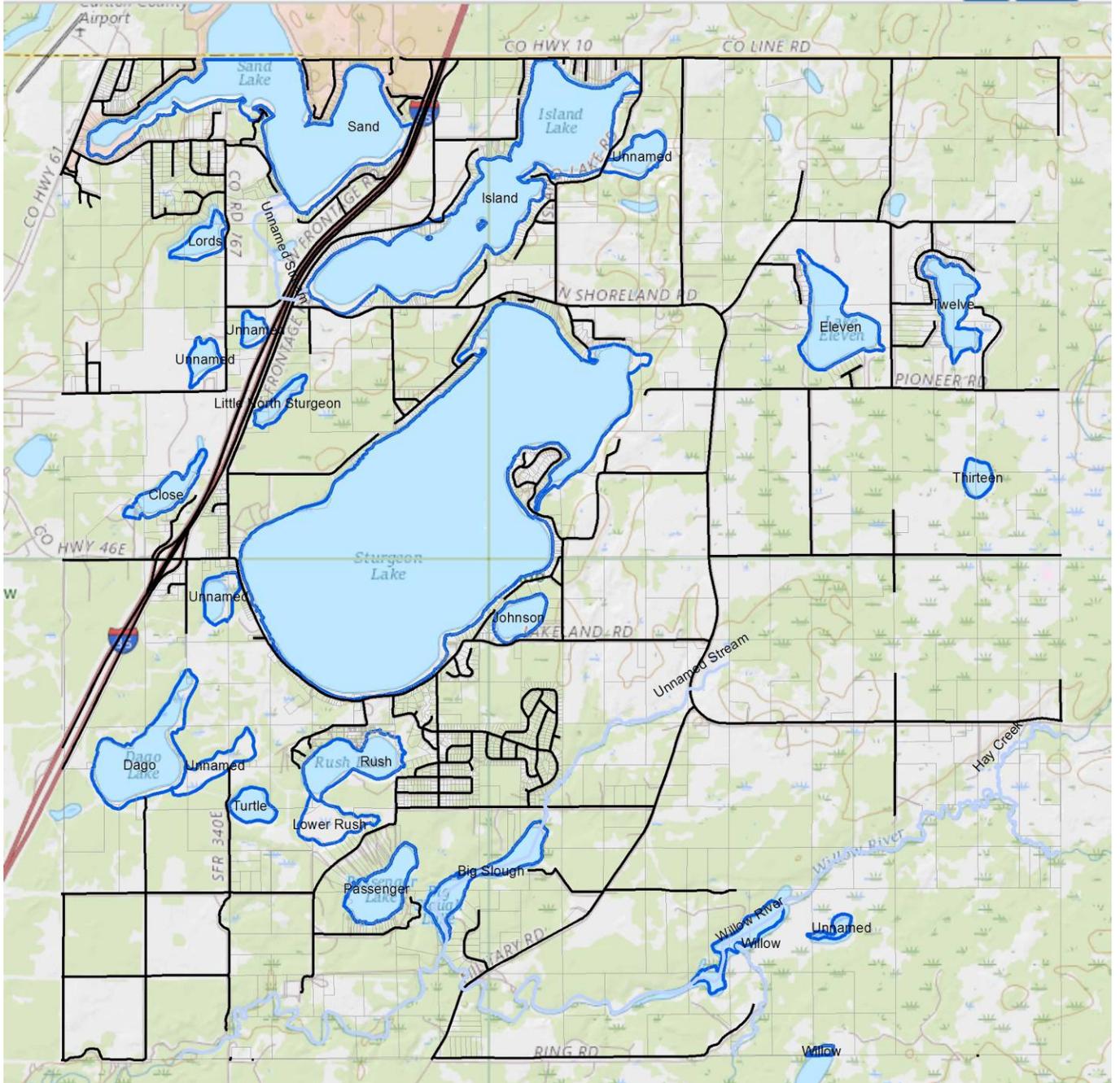
The Township will publish on its Website and elsewhere clear maps of the floodplain locations and summarize and publish the regulations for use by owners, residents and builders

The Willow River Corridor

Windemere Township will continue to administer and enforce its zoning districts that help protect the Willow River, which are the F-2, Special Protection, and the Shoreland Management Overlay.

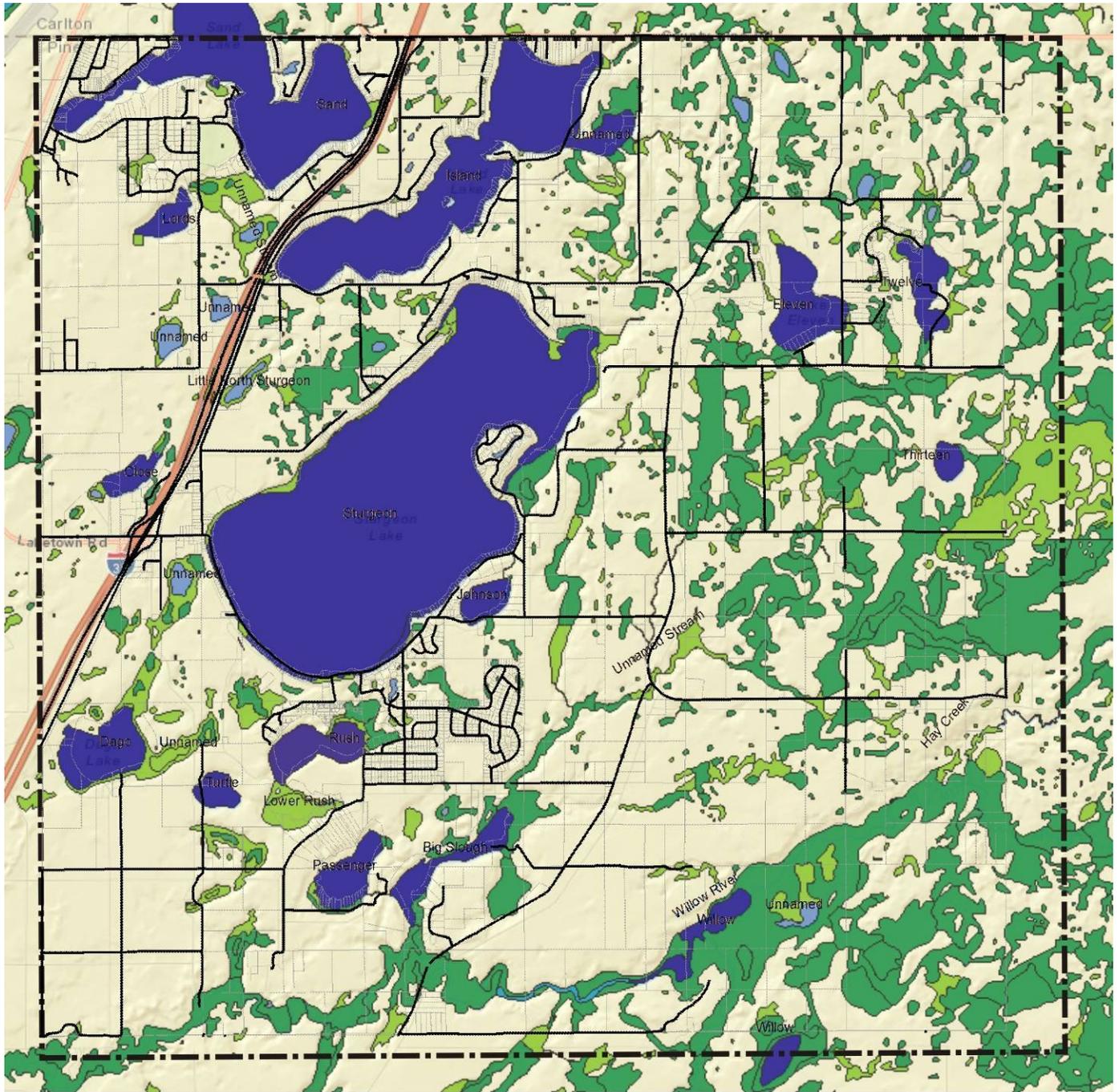
Shorelands

As recommended in a previous section, these requirements have not always been followed, resulting in severe and in some cases irreversible damage to the lakeshores, lakes and streams in Windemere Township.



Source: US Geological Survey

**Figure 4
Forest Cover**



Source: National Wetland Inventory, US Fish and Wildlife Service

**Figure 5
Wetlands**

Removing Aquatic Vegetation

Any control of emergent aquatic vegetation, such as cattails, and the use of pesticides in public waters does require a DNR aquatic plant management permit. One hundred square feet of emergent aquatic vegetation may be removed annually without a DNR permit.

Aquatic plants such as cattail, bulrush, water lilies, and other aquatic vegetation are important because they reduce wave action, thereby reducing the threat of shoreline erosion, provide fish and wildlife habitat, buffer shorelines from pollutants, and provide other environmental benefits. DNR aquatic plant management permits are issued through Aquatic Plant Management Permitting staff. <http://www.dnr.state.mn.us/contact/locator.html>.

The rules governing the destruction of aquatic vegetation are found in Minnesota Rules, Chapter 6280.

Additional guidance for managing a shoreline naturally can be found at this DNR Website: http://files.dnr.state.mn.us/publications/waters/shoreline_alterations_lakescaping.pdf

Beach Sand Blankets

Regulations by the Minnesota Department of Natural Resources say that a beach sand blanket may be installed without a DNR public waters work permit if these conditions are met:

- It does not cover emergent vegetation unless it is already authorized by an Aquatic Plant Management permit from the DNR Division of Fisheries.
- Clean, inorganic sand or gravel, free of pollutants and nutrients must be used
- No more than 6 inches thick, 50 feet wide along the shore, or one-half the width of the lot (whichever is less), and no more than 10 feet water-ward of the Ordinary High Water Mark.
- Local watershed district and local zoning officials are given at least 7 days prior notice.
- The site is not a posted fish spawning area.
- Installation of sand or gravel may only be repeated once at same location, not exceeding same amount and dimensions of the original sand blanket.

Boat Docks

Boat docks are temporary structures that provide access to a lake. No permit is needed if the dock is not wider than 8 feet.

Boat docks should be closely monitored and regulated, as they sometimes become a visual or physical impact on the lakes. Such regulation should be in conformance to the regulations of the Minnesota Department of Natural Resources General permit 2008-0401. See: http://files.dnr.state.mn.us/publications/waters/shoreline_alterations_water_access.pdf.

That 2008 permit allows a single, temporary platform at the lake end of a dock up to 120 square feet if measured separately from the access dock, or up to 170 square feet if it includes the adjacent access dock; the access dock must be 5 feet or less in width and on a General Development or Recreational Development lake.

Docks may not be used as marinas or overnight human accommodations.

Seasonal Population

Township officials will continue to include seasonal property owners and residents in decisions about land use and other Township matters.

Campgrounds or Resorts

New, future campgrounds may be allowed by Conditional Use Permit in the Rural Agricultural Area but outside the Shoreland Management Overlay or Special Protection zoning districts.

Existing campgrounds or resorts would continue to be zoned as Permitted Uses and may expand or improve on or adjacent to their present locations. See Figure 1 for their locations.

Campgrounds or resorts should have sufficient land area, forest screening and perimeter setbacks that the rural atmosphere is protected.

Multiple-family housing is allowed by the current zoning ordinance in the Water Oriented Commercial-Residential zoning district, and then only through a Conditional Use Permit, but not in the Water Oriented Commercial District. The former zoning district exists only at the western end of Sand Lake, where there is a public sewer line. See the zoning map, page 2-3

County standards for on-site wastewater management at a campground must be met. The wastewater system and the community well of any campground should be inspected at least once every year because of the concentration of effluent and the potential for groundwater pollution.

Refer to Appendix F for definitions of “campground” and “resort.”

Vacation Rentals by Owner

The Township should prepare and adopt ordinances for “vacation rentals by-owner” or other private property rental arrangements. Pine County has no such regulations, and there is a growing number of such activities that cause enough problems to be a public concern.

VRBOs should be permitted as interim uses,³ and the regulations should:

- Limit the number of guests according to the capacity of the wastewater system
- Require an adequate and approved wastewater system
- Address parking setbacks
- Prohibit occupancy by recreational vehicles, tents, accessory structures or fishing houses
- Require compliance with State fire and building codes
- Prohibit on-premise advertising signs except a small identification sign near the door
- Limit the number of rentals to two per parcel
- Allow other conditions as needed to protect neighboring properties

Recreational Camping Vehicles

Parking and occupying a recreational camping vehicle is presently regulated in the Township zoning ordinance under General Provisions, Dwelling Unit Restrictions (page 23). That

³ An "interim use" is a temporary use of property until a particular date, until the occurrence of a particular event or until zoning regulations no longer permit it. (Minnesota Statute 462.3597) An interim use is similar to a conditional use except that it is granted to the applicant, not the site, and has a specified time limit, which a conditional use does not. An interim use may be terminated by a change in the zoning regulations.

clause limits the number of recreational camping vehicles allowed to be parked on a residential parcel to 2. It also requires that such vehicles meet normal requirements for permits, setbacks, area and sewage when (a) any structural addition is made, (b) any accessory structure is built on the lot or (c) the vehicle becomes unlicensed or inoperable on public roads.

“Recreational camping vehicle” is defined on pages 16 and 17 of the zoning ordinance.

At a minimum, those regulations should be consistently and fairly enforced.

In addition, the Township should consider whether additional ordinances are needed regarding operable or inoperable recreational camping vehicles to protect the appearance of the lakeshore and the enjoyment of nearby properties. Those ordinances might consider the size of the residential parcel, and the frequency and duration that a recreational vehicle may be used for overnight accommodation on a residential parcel.

Road System

Roads in Windemere Township are owned and maintained by the Township, Pine County or the State. Figure 3, Existing Road System, indicates the County and State roads by their number. County routes are intended to provide movement across the county and from one community to another while township roads provide movement only within a township.

Roads owned by Pine County are classified as either County State-Aid Highways (CSAHs) or County Roads. CSAHs are designed and built for higher volumes of traffic, heavier vehicles and somewhat higher speeds than County Roads. The CSAHs in Windemere Township are 46, 50, 51 and 61. CSAH 46 provides movement across the township from the western border of Pine County east to State Highway 23. The County Roads are 161, 162 and 167. See Figure 1, Land Use Plan map for the locations of these roads.

The State maintains Interstate Highway 35 (which is a federal road) and several Forest Roads in the General Andrews State Forest.

Township Road Surfaces

Most roads that are owned by Windemere Township have a gravel surface, although there are several miles that are topped with asphalt.

Decisions about whether a particular road should be changed from one surface to another will be made on an individual basis. Factors may include traffic volumes, subsurface conditions, proximity of houses, construction cost, maintenance cost and safety.

Old Military Road

Encourage the preservation of the route of the historic “military road” by identifying its route, where possible.

Public Safety

Fire Protection

Fire protection and other emergency services are provided in Windemere Township through a contract with the Moose Lake Area Fire District. The department has 35 authorized volunteers and responds to incidents involving fire, medical needs, land vehicles, boats,

drowning and ice. The Town will support the idea of a substation in Windemere Township to decrease response times and improve fire protection.

Law Enforcement

Law enforcement is provided in Windemere Township by the Pine County Sheriff.

The Township will advocate for an increase in local deputy presence that is commensurate with the Township's high level of property assessed value relative to other cities and towns in Pine County. The Sheriff could share space in the potential fire station mentioned above.

Dark Night Skies

Windemere Township will consider launching a study about adopting zoning and building ordinances that minimize excessive glare from artificial lights while maintaining adequate light for safety.

Appropriate residential or commercial exterior lighting should be shielded so that the bulb is not directly visible from nearby properties and light casts only where it is needed. Lighting toward the sky would not be allowed.

Such ordinances would be applied during the review of site plans and Building Permit applications.

The purpose of such ordinances is to preserve rural character, enhance nighttime enjoyment, protect property values and enhance enjoyment of the night sky.

Township Identity

Windemere Township will work to heighten the identity and image of the township through these means:

- **Township Identity:** Create a Township logo, slogan and mission statement and use them on stationery, the Website, the Facebook page, the entry signs and other messages.
- **Public Communication:** Improve communication with township residents through a more active and informative Website, a Facebook page with a steady stream of news and announcements, and a regular newsletter e-mailed to as many residents and businesses as possible.
- **Entry Signs:** Install simple and durable metal signs that include the new Township logo at I-35 and Lakeland Road, I-35 and County Line Road and Highway 61 and Sand Lake Road
- **Integrity with the Message:** Act in accordance with the Township mission statement.

3.0 Plan Implementation

This section of the *Windemere Township Plan* lists the major actions that the Township expects to take to carry out the recommendations of the plan. This work plan should be updated annually.

The *Windemere Township Plan* must also respond to the continuous stream of changes that occur in the community. This chapter describes how the plan’s usefulness will be monitored and how it may be amended.

Key Actions by Priority

The Windemere Township Board should establish a schedule of short-term and long-term actions as a targeted work program to guide the ongoing implementation of the plan.

The Township should conduct the actions listed in the following table through annual and multiple-year assignments.

The Township’s actions should be consistent with the policies of the *Township Plan*. Those actions include but are not limited to:

- Review of development applications
- The Township’s capital improvements and operations budgets
- Any sub-area plans
- Plans of other agencies as they affect Windemere Township
- Officially-adopted plan maps that show the intended route for roads, sewer lines, ditches or similar public improvements
- Land development or changes in zoning
- Land subdivision.

Table 2 -- Major Plan Actions

Major Actions	Timing
<p>Development Reviews</p> <p>Use this plan when reviewing land development or zoning applications. Continue to support the Township zoning administrator and assistant.</p>	Ongoing
<p>Shoreland Zoning</p> <p>Strictly enforce the current zoning regulations for the Shoreland Areas. Continue to support the Township zoning administrator and assistant.</p>	Ongoing
<p>Zoning Ordinance Amendments</p> <p>Amend the text of the Township zoning ordinances according to the recommendations in this plan. A complete revision to make the ordinance more complete, clear and navigable is recommended.</p> <ul style="list-style-type: none"> ▪ Minimum lot sizes in the Rural, Rural Residential, Special Protection and Forest Management zoning districts ▪ Water-oriented accessory structures ▪ Non-conforming uses ▪ Interim uses ▪ Conditional use permits – add general and specific conditions ▪ Definitions – expand and refine 	By 2021

Major Actions	Timing
<p>Zoning Map Digitize the zoning map using a parcel map from the County.</p>	By 2020
<p>Subdivision Ordinance Amendments Update the Township subdivision regulations to be more complete and contemporary.</p>	By 2020
<p>On-Site Wastewater Systems Work to compel Pine County to enforce its 2017 on-site wastewater ordinance. If County inspection is not adequate, then the adopt an ordinance that requires all on-site wastewater systems in the Shoreland zoning district that are older than 15 years to be inspected at least once every 5 years.</p>	By 2021
<p>Lake Area Sewage Collection In the short-term future, do not petition the Sewer District to extend a collection line around Island or Sturgeon Lakes. Instead, coordinate with the District to inspect and attempt to improve the performance of on-site wastewater systems around those lakes. Continue to study whether local, county, state and/or federal financial assistance can be programmed to defray some of the cost to property owners of a future sewer line. The Township’s expectation is that a collection line around those lakes is inevitable and ultimately desirable for the sake of water quality and public health.</p>	Ongoing
<p>Zoning for Campgrounds and Resorts Specifically allow campgrounds and resorts in the water-oriented commercial districts under the Shoreland zoning overlay district. Clarify that multiple-family housing is allowed by “planned-unit development” permit in the Water-Oriented Commercial-Residential zoning district.</p>	By 2020
<p>Wetlands Continue to work with the Pine County Soil and Water Conservation District to protect wetlands from loss or damage during construction projects.</p>	Ongoing
<p>Floodplains Coordinate with Pine County to review and regulate any land development, grading or drainage work in a mapped 100-year or 500-year flood zone. Publish on the Website and elsewhere clear maps of the floodplain, and summarize and publish the regulations.</p>	Ongoing
<p>New Town Hall Acquire a site for a new Town Hall and community meeting room.</p>	By 2025
<p>Public Communication and Education Improve communication with township residents through a more active and informative Website, a Facebook page with a steady stream of news and announcements, and a regular newsletter e-mailed to as many residents and businesses as possible.</p>	Begin in 2020, then ongoing
<p>Township Identity Create a Township logo, slogan and mission statement and use them on stationery, the Website, the Facebook page, the entry signs and other messages. Install simple and durable metal signs that include the new Township logo at I-35 and Lakeland Road, I-35 and County Line Road and Highway 61 and Sand Lake Road.</p>	Ongoing
<p>Police Protection Petition Pine County for an increased presence by Sheriff’s deputies.</p>	By 2020

Non-Conforming Land Uses, Lots or Buildings

If the Township zoning ordinance text or map are amended as recommended in this plan, it is likely that some “legal non-conforming” buildings, lots or land uses will be created.

A non-conforming use, whether it is a building, a lot or a type of land use, is one that was legal when it was originally approved but would not be permitted under the current regulations. There are some exceptions and limitations:

- Non-conforming structures may not normally be expanded.
- A non-conforming structure may be expanded at the discretion of the Town Board if that land use is listed as a Conditional Use in that zoning district.
- Normal maintenance, repair, restoration or replacement is allowed as long as it does not worsen or intensify the non-conforming aspects.
- If the building is damaged by fire, tornado or similar peril by more than 50 percent of its value, it may be rebuilt if an application for a Building Permit is submitted within 6 months of the date of the damage.
- If the non-conforming building or use is destroyed or discontinued for more than a year, it may not be rebuilt or continued.

Thus, changing the zoning ordinances will not cause the removal of buildings that suddenly became inconsistent with the new regulations. Government cannot “amortize” a building out of existence. The process of replacing buildings that do not meet new requirements for setback, or lots that do not meet new requirements for size, will take a long time. Such changes will only happen when the owner decides that he or she wants a bigger building or lot.

Suggested wording for amending the Township’s zoning ordinances for non-conforming uses is shown in the Appendix.

A few non-conforming uses may have been established illegally. They have no legal rights, least of all those described above.

Variations to the Zoning Ordinances

A variance is a departure from the literal provisions of the zoning ordinances and is granted by a resolution of the Town Board (or, if delegated, a Board of Adjustment). Variations are sometimes wisely given to adjust for unique circumstances on a single property that were not foreseen when the zoning regulations were written.

Variations may only be given for dimensional ordinances such as minimum lot area, minimum lot width, minimum building setback, maximum building height and so on. A variance may not be given to allow a use of land, such as a business instead of housing.

The variance authority of a local government may be over-used or misused, resulting in harm to neighboring properties or public resources or in diminished value of the zoning regulations.

The Township zoning ordinances are presently inadequate in their wording on variations and should be amended. Model wording is provided in the Appendix.

Conditional Uses

The concept of a conditional use permit (CUP) was created to give local government more flexibility in zoning ordinance administration. Generally, conditional uses are uses that are often too problematic to be permitted uses in a district. However, since the use is still generally favorable or necessary, outright prohibition of the use is generally not practical or desired. A classic example of such a mixed positive/negative use is a gasoline station in or near a residential area. Conditional uses seek to strike a middle ground between outright, unchecked permissive establishment and complete prohibition.

Conditional uses are uses that will be allowed if certain conditions are met that minimize the problematic features of the use.

The Township must specify conditional uses in an ordinance. Generally, a list of conditional uses will be found alongside the permitted uses in an ordinance. The ordinance should also establish what conditions or standards must be met to allow the conditional use. Ordinances that fail to establish standards for granting the listed conditional uses are problematic and potentially invalid.

The Town must grant the conditional use permit if the applicant satisfies all the conditions established in the ordinance.

The Township may deny a conditional use permit if the proposed use:

- Does not meet the specific standards or conditions established in the zoning ordinance;
- Is not consistent with the Township's officially adopted comprehensive plan;
- Endangers or is not compatible with the health, safety and welfare of the public.

When a local government denies a landowner a conditional use permit without sufficient evidence to support its decision, a court can order the issuance of the permit subject to reasonable conditions.

Once a conditional use permit is granted, a certified copy of the permit, including a detailed list of all applicable conditions, must be recorded with the County Recorder or the Registrar of Titles, and must include a legal description of the land.

Once issued, the permit cannot be unilaterally altered by the Township unless there is a violation of the terms of the permit.

Conditional vs. Interim Uses: Conditional use permits are considered property interests that run with the land. That is, they pass from seller to buyer when the land is sold or transferred. For this reason, time restrictions on a CUP are potentially invalid. Alternatively, the Township may amend its zoning ordinance to designate some uses that were previously designated as “conditional uses” to be “interim uses.” The ordinance should specify the date or circumstance that would end each interim use.

Keeping the Plan Relevant and Fresh

It is imperative that the Township Plan be considered a valuable, useful document. Ideally, it will become the central decision-making document for the Township. One of the ways to achieve that is to keep it up to date and relevant. Conditions and thinking both change over time, and the plan should reflect that evolution.

Annual Report

Prepare an annual report describing how the plan has been used and what changes have occurred that may affect the relevance of the document. Every twelve months the Township staff should prepare a brief report summarizing:

- How the plan was used to direct major spending, regulatory and construction decisions
- How development did or did not coincide with the guidance of the plan
- How the township has changed in ways that may call for amendments to the plan.

The report should be transmitted to the Town Board and made available to the public. Brief verbal presentation at workshop meetings should be conducted to call attention to the major findings of the annual report.

No plan amendments are needed in conjunction with these reports, although such amendments may be appropriate depending on the reports’ findings.

Periodic Amendments

Periodically propose amendments to the plan as conditions warrant.

It is appropriate that some parts of the plan are rarely amended while others are highly subject to examination. Changes to the plan maps would, of course, depend on the magnitude of the revision, their relationship to the Goals and Objectives, and the nature of the changing circumstances that lead to the desire for amendments.

The Township Planning Commission will propose amendments to the comprehensive plan from time to time as circumstances warrant. The public, including nearby Cities, Towns and Counties, should be notified of these major proposed changes and allowed an opportunity to become informed of the change and comment. The Township will consider public opinion in evaluating how a proposed change would meet the above criteria. The Township could consider soliciting public opinion through direct mail survey forms, neighborhood meetings, Planning Commission public meetings and the Internet.

Scheduled Reviews

The Planning Commission should conduct a formal review and possible updating of the plan once every 10 years with the help of a citizens advisory committee.

Appendix A: Water Quality

Local Water Quality Responsibilities

Water quality responsibilities are shared primarily between the Township and Pine County. Windemere Township handles all zoning and land subdivision applications while the County regulates on-site wastewater systems and floodplain regulations. Prior to 2017, the Township administered the on-site wastewater regulations.

The **Windemere Township Zoning Administrator** is the local contact person for questions about shoreland zoning.

Pine County has adopted regulations for the design, construction and maintenance of on-site wastewater systems and performs inspections of those systems.

The preponderance of clay soils and high groundwater in the township often works against the use of standard subsurface tank-and-drain field wastewater systems. Instead, many systems are built above ground in a mound of suitable soils. The County regulations prescribe the rate at which soils must filter water for a standard system, and they establish the minimum vertical distance between a drain field and the groundwater. Other regulations address features such as separation from a water well or another land parcel.

Other Organizations Providing Assistance and Advice about Water Quality

Other organizations that provide technical assistance, advice, regulation and, in some instances, money are:

- **The Pine County Soil and Water Conservation District:** Adopted a county-wide water management plan in 2010 consistent with state law. Works with land owners and local governments to implement the plan. Provides advice and money to build improvements that reduce soil erosion, mitigate flooding and protect water quality. The SWCD enforces the state and federal clean water and wetland protection laws.
- **Moose Lake-Windemere Sanitary Sewer District:** Builds and maintains a public sanitary sewer collection system and uses the City of Moose Lake wastewater treatment plant for disposal. The Sewer District serves the area around Sand Lake in Windemere Township with sewer lines. Its area of potential service includes portions of southern Carlton County and all of Windemere Township. Properties are required to connect to the system when a line has been built within a specified distance after a study and hearing.

The District prepared a feasibility study, held public hearings and installed sewer lines around and near Sand and Coffee Lakes in the early 1980s. That study considered the need and cost of also serving Island and Sturgeon Lakes but a decision was made to not serve those lakes at that time.

The District charges \$180 per quarter per house for sanitary sewer service at the time of this plan.

- **Windemere Lake Owners Association:** Provides information and education to residents about conservation and stewardship of the water and shoreline. Serves as a

representative for its members and others. Advocates better enforcement of current regulations. Has approximately 240 members (about 24 percent of all lakefront parcels).

- **Minnesota Department of Natural Resources:** Responsible for the management and protection of natural resources across the state. Enforces state and federal laws regarding water and upland resources. Has published model ordinances for adoption by local units of government to regulate shorelands, floodplains and wetlands.
- **Minnesota Department of Health:** The Well Management Program protects both public health and groundwater by ensuring the proper construction of new wells and borings, and the proper sealing of unused wells and borings.
- **US Army Corps of Engineers:** Regulates the “navigable waters of the United States,” including streams, lakes and wetlands that are tributary to them. Shares responsibility for wetland protection with states. Administers the US Clean Water Act.
- **Minnesota Board of Water and Soil Resources:** Improves and protects Minnesota's water and soil resources by working in partnership with local organizations and private landowners. BWSR is the state soil and water conservation agency, and it administers programs that prevent sediment and nutrients from entering our lakes, rivers, and streams; enhance fish and wildlife habitat; and protect wetlands. The 20-member board consists of representatives of local and state government agencies and citizens. BWSR guides local soil and water conservation districts, including enforcement of state wetland laws.

Recent Wastewater Studies Involving Island and Sturgeon Lakes

MPCA Water Quality Studies, 1992 and 2003

The Minnesota Pollution Control Agency studied the water quality in Island and Sturgeon Lakes in 1992 and 2003. Neither study found a significant degradation of water quality nor that failing on-site systems were a major contributor to nutrient loading in the lakes. Sources of the nutrients were from various sources. On-site systems were considered a potential source of phosphorus because the lake shores were highly developed and the lakes had relatively small water sheds. However, no evidence was collected about how well the on-site systems were actually working.

The authors also concluded that proper management and oversight of on-site systems were important in the long-term management of water quality in the lakes. They wrote that the performance of the on-site systems should be surveyed.

City of Moose Lake Facility Study, 2007

The City of Moose Lake studied whether its sewage treatment plant would have to be enlarged to accommodate increased flows from a potential expansion of the state treatment facilities there. One conclusion was that if the plant were expanded to serve that need, the expansion would not be enough by itself to accommodate the flows that could result by also serving Island and Sturgeon Lakes with sewage collection lines.

Information gathered through that study suggested that there are worries about the number of holding tanks and that many on-site systems do not meet today's design standards. The preponderance of clay soils and small lots causes the need to use holding tanks rather than drain fields. However, the problem did not seem to warrant building a

sewage collection system. Instead, the performance of the on-site systems was recommended to be monitored.

Lake Sewer Feasibility and Cost Study, 2014

In 2014, officials of the Sewer District were concerned that the condition and number of the on-site systems around Island Lake (and elsewhere) could have a detrimental effect on water quality in Island Lake over the long term. Many of those systems were aging, and the cost to replace them could be quite high, especially for small or constrained lots. On-site drain fields have a life expectancy of only 10 to 25 years, depending on conditions and use. The cost of replacing a system would be approximately \$15,000 to \$25,000 in Windemere Township. Therefore, it was decided to study the feasibility of building a collection pipe around those lakes.

Several options were studied by an engineering firm.⁴ The downstream pipes and lift stations were judged to be adequate to handle the increased flows. The capacity of the City of Moose Lake treatment plant was not evaluated.

The cost to serve the perimeter of Island Lake with a low-pressure sewer system was estimated at approximately \$35,000 per house, including the District connection fee. Financed over 15 years at 4 percent, the annual cost would be \$3,100 per house.

Sewer District Planning Study, 2014

In 2011, the Sewer District engaged a consulting team to help them plan their future work and investments. The study was completed in 2014.⁵

The authors concluded that, at that time, there was no clear and convincing rationale for building a sewer line around Island and Sturgeon Lakes. However, the Windemere Township Planning Commission members were reported to have recognized the long-term need for such sewer. Cost to the property owners was the sticking point. It was recommended that no further study on that idea should be done until supplementary money could be earmarked.

Other recommendations included:

- Document the need for a collection system based on water quality impacts. Inspect the shoreline on-site systems, evaluate their performance, and report the results.
- Ensure that the shoreline on-site systems are working properly.
- Consider other solutions such as:
 - Decentralized collection and treatment systems. These may include collecting sewage from a limited number of houses, treating it with a small, “package” system, and possibly spraying it on a field to complete the process.
 - Upgrading the on-site systems.
 - Conducting a more comprehensive on-site management program

Providing collection and treatment service from the City of Sturgeon Lake. That relatively new system was sized to serve commercial development all around the freeway interchange,

⁴ Bolton & Menk Inc., *Konieska Road – Island Lake Wastewater Collection System*, Moose Lake – Windemere Sanitary Sewer District, May 2014.

⁵ Soderberg, Kurt, and Jack Ezel, *Sewer Service and Infill Planning for MLWSSD*, March 2014.

and a line has been extended to the west side commercial area.

Appendix B: Planning Issues

The following preliminary planning issues were identified through discussions with the Citizens Advisory Committee.

Issues are questions which were discussed, debated and resolved during the planning process. They are always debatable, not factual, and always in the form of a question.

- **Degree of Control:** Where should the Township plan fall on the spectrum of permissiveness versus control?
- **Enforcement:** Does the Township Board of Supervisors have the collective political will to require consistent, timely enforcement of zoning and related property regulations, either those currently adopted or those that may added?
- **Natural Resource Protection:** Is the current level of protection of natural resources in the township adequate?
- **Lake Shore Protection:** How closely should the Township regulate development of the lake shores? What specific zoning regulations should be adopted to help protect the natural qualities of the lake shores and the lakes themselves? Who owns the lakes? Should the Township strive to reverse some of the negative visual and ecological effects caused by past development?
- **Lakefront Appearance:** Is the current appearance of the shores of the major lakes (Sturgeon, Island and Sand) acceptable?
- **Under-Sized Lots:** What should be done, if anything, about the many land parcels that do not meet the current minimum size prescribed in the zoning ordinance?
- **Township Park:** Should the Township acquire land and develop a community park?
- **On-Site Wastewater Systems:** Should the level of enforcement of on-site waste management systems be increased, particularly for major generators of wastewater?
- **Large Undeveloped Parcels:** How should the remaining large tracts of mostly undeveloped land be regulated?
- **Communication:** Can or should the Board improve its communication with Township residents and property owners regarding local planning and ordinances?
- **Business Locations:** Should businesses continue to be concentrated around the interchange of I-35 and Laketown Road, or should other locations also be considered?
- **Industry:** Should industrial development such as manufacturing or logistics be allowed by zoning?
- **VRBOs:** Should the Township adopt regulations on “vacation rentals by owners”?
- **Fire Protection:** Should the level of fire protection be improved?
- **Road Paving:** Should certain township roads be paved with asphalt?
- **Road Maintenance:** Is the level of maintenance of the Township and the County roads adequate?

- **Potential Public Utility Service:** Should the Town Board order studies to assess the need and/or feasibility of installing public sanitary sewer lines or public water lines in certain parts of the township? If so, when?
- **Lakefront Planning:** Should all lakes be addressed or only those with a public boat launch?
- **Light Pollution:** What, if anything, should be done to reduce artificial light pollution in the night sky?
- **Township Fiscal Health:** What should be done in terms of the pattern of land use to help protect the fiscal health of the Township?
- **Natural Resource Protection:** What should be the Township's relationship with its natural resources? To what extent should Township regulations strive to limit the loss of natural resources? What is the appropriate balance between resource protection and land development? Are these aims mutually compatible or not?
- **Representing Seasonal Residents:** What should Township leaders do to ensure that the voices of seasonal residents are heard when debating planning and other township issues?

Appendix C: Township Demographics, 2010

Subject	Number	Percent
SEX AND AGE		
Total population	1,711	100.0
Median age (years)	47.7	(X)
16 years and over	1,394	81.5
18 years and over	1,345	78.6
21 years and over	1,305	76.3
62 years and over	474	27.7
Male population	879	51.4
Female population	832	48.6
RACE		
White	1,677	98.0
Black or African American	3	0.2
American Indian and Alaska Native	41	2.4
Asian	9	0.5
Native Hawaiian and Other Pacific Islander	1	0.1
Some Other Race	4	0.2
RELATIONSHIP		
In households	1,711	100.0
Householder	731	42.7
Spouse	433	25.3
Child	427	25.0
Own child under 18 years	347	20.3
Other relatives	52	3.0
Under 18 years	15	0.9
65 years and over	4	0.2
Nonrelatives	68	4.0
Under 18 years	4	0.2
65 years and over	7	0.4
HOUSEHOLDS BY TYPE		
Total households	731	100.0
Family households (families)	512	70.0
With own children under 18 years	170	23.3
Husband-wife family	433	59.2
With own children under 18 years	130	17.8
Male householder, no wife present	30	4.1
With own children under 18 years	18	2.5
Female householder, no husband present	49	6.7
With own children under 18 years	22	3.0
Nonfamily households	219	30.0
Householder living alone	182	24.9
Male	97	13.3
Female	85	11.6
Households with individuals under 18 years	180	24.6
Households with individuals 65 years and over	274	37.5
Average household size	2.34	(X)
Average family size [7]	2.78	(X)
HOUSING OCCUPANCY		
Total housing units	1,493	100.0
Occupied housing units	731	49.0
Vacant housing units	762	51.0
Homeowner vacancy rate (percent)	3.3	(X)
Rental vacancy rate (percent)	4.3	(X)
HOUSING TENURE		
Occupied housing units	731	100.0
Owner-occupied housing units	665	91.0
Renter-occupied housing units	66	9.0

Source: US Decennial Census, 2010.

Appendix D: Early History of Windemere Township

The settlement of the area now known as the Township of Windemere in Pine County, Minnesota, was a direct result of the lumber industry which was well underway by 1860. The timber industry reached its peak in the area including Windemere Township between approximately 1870 and 1894.

The Township itself was not organized until January 3, 1882. Its first school was built some time around 1889 and is now the Windemere Town Hall.

While the September, 1894, Hinckley fire missed the northern part of Pine County and, thus, Windemere Township, the Township was not so lucky with respect to the Moose Lake fire of 1918 which burned throughout much of the Township. The 1918 Moose Lake fire together with the decline of the lumbering industry was the cause of the transition from logging to farming in the Township. Thus, by 1920, dairy farming was the predominant land use in the Township.

Until around 1940, the Township continued to experience population growth, but after 1940, in part because of the mechanization of agricultural operations and the exodus of the populace from the Rural Agricultural Areas to the urban areas, the township's population commenced a period of erratic growth and population decline. This unstable period continued for the next 30 years. Since 1970, however, the population decline has been halted somewhat by the growth of the "seasonal population" around the lakes in the township.

Appendix E: Suggested Wording for Ordinance Amendments

Suggested Wording for Non-Conforming Use Ordinances

Some improvements are recommended to Article VI of the zoning ordinance, which regulates non-conforming land uses. Those improvements would make the ordinances more clear, complete and consistent with statute and recent court decisions. Following is suggested language for those changes.

Article VI – Non-Conformities.

- (1) **Definition.** A non-conforming use is any use or arrangement of land or structures legally existing prior to the enactment of a Code provision prohibiting such use.
- (2) **Rights.** Pursuant to Minnesota Statute Section 462.357, Subd. 1e:
 - (a) Any non-conformity, including the lawful use or occupation of land or premises existing at the time a Township Code amendment created the non-conformity, may be continued with any necessary approvals, including through repair, replacement, restoration, maintenance or improvements but not including expansion unless otherwise authorized in the Code.
 - (b) Normal maintenance of a structure which is a non-conforming use or which contains a non-conforming use is permitted including repair, replacement, restoration or improvement, provided that it does not extend or intensify the non-conforming use.
- (3) **Expansion Prohibited; Exceptions.** Non-conformities may not be expanded unless expressly permitted as described below.
 - (a) Non-conforming uses may expand upon issuance of a Special Use Permit only when such expansion is expressly listed as a Special Use within the applicable zoning district.
 - (b) Non-conforming lots may expand only upon approval of a variance or planned unit development zoning that allows the proposed level of non-conformity.
 - (c) Non-conforming structures may expand only upon approval of a variance or planned unit development zoning that allows the proposed level of non-conformity.
 - (d) Non-conforming site characteristics may expand only upon approval of a planned unit development zoning that allows the proposed level of non-conformity.
 - (e) Any expansion allowed herein must include findings that the proposed expansion will reduce the impact of the legal non-conforming use on the surrounding properties in terms of activity, noise, traffic, light, appearance, outside storage of vehicles, equipment or materials, or other issues pertinent to the specific property and use involved.
- (4) **Termination of Rights.**
 - (a) A legal non-conforming use must not resume when:
 - (i) The use is discontinued for a period of more than one year, or

- (ii) The use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value and no building permit has been applied for within 180 days of when the property was damaged. The assessed market value (including buildings and land) must be determined by the most recent valuation of the Township Assessor.
- (5) Conformance Triggers: Non-conformities must be brought into conformance upon the following events:
 - (a) Non-conforming uses. Non-conforming uses must be brought into conformance with current requirements of the Township Code upon:
 - (i) Change of the use;
 - (ii) Discontinuance of the use for a period of more than one year, or;
 - (iii) Destruction of the use, provided that no building permit has been applied for within 180 days of the date of destruction. The Township may impose reasonable conditions on the building permit to mitigate newly created impacts on adjacent properties.
 - (b) Non-conforming lots. Non-conforming lots must be brought into conformance with current lot requirements of the Township Code upon subdivision or replatting of the lot.
 - (c) Non-conforming structures. Non-conforming structures must be brought into conformance with current structure requirements of the Township Code upon:
 - (i) Destruction or removal of the structure, or
 - (ii) Relocation of the structure.
 - (d) Non-conforming Site Characteristics. Non-conforming site characteristics must be brought into conformance with current site characteristic requirements of the Township Code upon:
 - (i) Redevelopment of the site or expansion of total floor area on the site by 25 percent or greater.
 - (ii) Destruction or removal of the site characteristic.
 - (iii) Issuance of a permit for a related site characteristic if conformance is stipulated as a condition of permit approval.
 - (iv) Change of use of the site (only for use-generated requirements including but not limited to the number of parking spaces and trash storage requirements).
 - (v) A determination by the Township that the site characteristic must be brought into conformance to protect the public health, safety and welfare.
- (6) Unimproved Lots of Record in the Shoreland Management Overlay Zoning District
 - (a) Lots of Record in the office of the County Recorder on the date of enactment of the Windemere Township shoreland controls that do not meet the requirements of Article III-A, Sec. 2, Zoning District Requirements, may be allowed as building sites without variances from lot size requirements provided:
 - (i) The use is permitted in the zoning district
 - (ii) The lot has been in separate ownership from abutting lands at all times since it became substandard

- (iii) The lot was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of the shoreland controls are met.
 - (b) Necessary variances from setback requirements must be obtained before any use, sewage treatment system or building permits are issued for such lots.
 - (c) In evaluating any such variances, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lots and shall deny the variances if adequate facilities cannot be provided.
 - (d) If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Article III-A, Sec. 2, Zoning District Requirements, the lot shall not be considered as a separate parcel of land for the purposes of sale or development. Such lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Article III-A Sec. 2, Zoning District Requirements, as much as possible.
- (7) Unsafe Structures. Nothing in this Section shall be construed to permit the continued use of a structure or site found to be in violation of building, basic life safety or health codes of the Township.

Suggested Wording for Variance Regulations in the Zoning Ordinance

The Town Board may allow a departure from the literal provisions of this Code pertaining to height or width of structures, the size of yard and open spaces, fences, and residential non-conforming uses in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration. Such variances may be granted only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Code.

- (1) Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. “Practical difficulties” as used in connection with the granting of a variance, means that the property owner:
 - (a) Proposes to use the property in a reasonable manner not permitted by an official control
 - (b) The plight of the landowner is due to circumstances unique to the property not created by the landowner
 - (c) The variance, if granted, will not alter the essential character of the locality.
- (2) Economic considerations alone shall not constitute a practical difficulty if a reasonable use for the property exists under the terms of this Code.
- (3) Practical difficulties also include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- (4) The Town Board may not grant a variance for any building or land use that is not permitted in that particular zoning district.
- (5) The Town Board may impose conditions in the granting of a variance to ensure compliance and to protect adjacent properties. Those conditions must be directly related to and bear a rough proportionality to the impact created by the variance.

Appendix F: Glossary of Terms

Accessory Use: A structure or portion of a structure subordinate to and serving the principle use structure on the same lot and customarily incidental hereto. Typical accessory uses are detached garages, storage sheds and boat storage buildings.

Agriculture / Farming: The use of land for the growing and/or production of field crops, livestock and livestock products for income.

Bluff: A topographic feature such as a hill, cliff or embankment, where part or all of the feature is in a shoreland area, where the slope rises at least 25 feet above the ordinary high water level of the water body, where the grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater, and where the slope drains toward the water body.

- **Toe of Bluff:** The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of bluff shall be determined to be the lower end of a 50-foot segment, measured on the ground, with an average slope exceeding 18 percent.
- **Top of Bluff:** The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the Top of Bluff shall be determined to be the upper end of a 50-foot segment, measured on the ground, with an average slope exceeding 18%.
- **Bluff Impact Zone:** The first 30 feet back from the top of the bluff.

Boat Dock: A temporary structure that provides access to a lake.

Buildable Area: The portion of a lot remaining after required yards have been provided.

Building Height: The vertical distance from the average of the highest and lowest point of that portion of the lot immediately adjacent to the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Line: A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from the right-of-way line. In a shoreland management area, the Building Line is also a line parallel to the Ordinary High Water Line at the required setback beyond which a structure may not extend.

Building Permit: A document issued by the Township Building Official that allows and specifies the erection of a building or other structure.

Building, Principal: A building in which is conducted the principal use of the lot.

Campground: A business that rents spaces for the temporary parking of camping trailers, other recreational vehicles and/or tents. May also include cabins for short-term rental.

Citizens Advisory Committee: The group of people appointed by the Township Planning Commission to oversee the preparation of the Windemere Township Plan.

Conditional Use: Conditional uses are uses that may be allowed if certain conditions are met that minimize the problematic features of the use. A conditional use may be an activity or a building.

Conditional Use Permit: A permit given by the Township zoning administrator that allows a conditional use. Sometimes abbreviated as "CUP."

Feasibility Study: A study by an engineer to estimate the probable cost of a possible public improvement, such as a road or utility pipe.

Feedlot, Confined Animal: An area or building used in intensive animal farming where livestock are fed prior to slaughter. This may include but is not limited to cattle, swine, chickens, turkeys, ducks or sheep

Floodplain: A floodplain or flood plain is an area of land adjacent to a stream or river which stretches from the banks of its channel to the base of the enclosing valley walls and which experiences flooding during periods of high discharge. May be divided into sub-areas with varying likelihood of flooding, such as 1 percent annual chance, which is known as the 100-year floodplain.

Home Occupation: A business conducted in a dwelling unit by the resident. A home occupation is usually limited in extent and incidental to the use of the dwelling unit for residential purposes and does not change the character dwelling unit.

House, Detached: Also known as a single-family house. A building designed for occupancy by one household and not abutting another dwelling unit.

Land Use Plan: The policies and recommendations written into the Windemere Township Plan that pertain to the pattern, development or intensity of use of land. Includes the Land Use Plan Map.

Land Use Plan Map: The map in the Windemere Township Plan that depicts the pattern of general types of allowable land use. It is the basis of the zoning map. It is advisory and not an ordinance, as the zoning map is.

Lake or Stream Classifications in the Shoreland Area: There are two types of lake classifications in Windemere Township, each with slightly different regulations: Recreational Development and Natural Environment. The former includes Island, Sturgeon, Eleven, Twelve, Passenger, Rush and Sand Lakes. The other ten are classified as Natural Environment lakes. Five streams are classified as Tributary Rivers: Willow, Little Willow, Hay Creek, Big Slough Creek and an unnamed creek.

Lot Size, Minimum: The minimum allowable size, measured in square feet, of a developable land parcel, according to the Township zoning code. Does not include platted public road right-of-way land or public road right-of-way land that is demarcated by an easement across the private land.

Lot Width, Minimum: The minimum allowable width of a developable land parcel measured by a straight line between the side lot lines at the front setback line prescribed by the zoning code.

Marina, Commercial: A privately owned, revenue-producing business that rents storage space at one location for 13 or more watercraft on a lake. All such boat storage slips must be available to members of the public without requiring membership in any organization and without providing any priority or preference to members of any organization, association, housing facility, campground or resort.

Mining: Removing soil or gravel for sale and transport. Different from site grading.

Multiple-Family Housing: A building containing two or more housing units that include kitchen and bathroom facilities for each unit. Intended for ongoing, long-term residence as opposed to vacation rental. Does not include time-share or fractional ownership arrangements. May include condominium or cooperative ownership, or leasing.

Non-Conforming Use: A building, a lot or a type of land use that was legal when it was approved but would not be permitted under the current zoning regulations.

On-Site Sewage System. Also known as on-site wastewater system.

Ordinary High Water Line: For lakes and wetlands, the Ordinary High Water Line (OHWL) is the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape. The OHWL is commonly that point where the natural vegetation changes from predominately aquatic to predominantly terrestrial. For rivers and streams, the OHWL is the elevation of the top of the bank of the channel.

Overlay Zoning District: A set of zoning ordinance that supplements and modifies the “base” zoning ordinances in a particular location. In the Windemere Township zoning code, the Shoreland overlay zoning district supplements the underlying districts, which may be Rural, Rural-Residential or one of the other zoning districts.

Parcel: An area on the ground legally defined by measurable lines and recorded by the County. Also known as a “lot.”

Permitted Use: A use of a land parcel that is listed in particular Township zoning district and that conforms with the requirements of that district. A Permitted Use may be a Principal Use or an Accessory Use.

Planning Commission: The group of people appointed by the Township Board of Supervisors that advises the Board on matters of the Township Plan, zoning, land subdivision, public improvements and related topics as assigned by the Board.

Recreational Vehicle:

- A vehicle that is used primarily for recreational or vacation purposes, and which is licensed and operable for use on public roadways, whether self-propelled, carried on, or towed behind a self-propelled vehicle.
- Operable recreational equipment that is not licensed for used on the public roadway, but used off-road, such as all-terrain vehicles, boats, off-road motorcycles, race vehicles, snowmobiles, or similar equipment.
- Licensed, operable trailers which may be used to tow recreational equipment, whether such trailers are loaded or unloaded, including utility trailers. Where a trailer is loaded with recreational equipment, such trailer and equipment shall be considered to be one piece of equipment for the purposes of this section.

Resort: A commercial establishment that provides overnight, weekly to yearly lodging in one or more permanent buildings. May also provide meals, recreation, boat slips, boating, on-sale liquor, and other services or activities customarily associated with a vacation resort. Includes time-share and full or fractional ownership arrangements. Does not include the rental of all or part of a building designed and zoned for use as a permanent, long-term private residence. See also Campground.

Rezoning: A change to the Township zoning map.

Sanitary Sewer District: The unit of government enabled by an agreement between the Townships of Moose Lake and Windemere under the laws of the State of Minnesota. The district is empowered by the state to make improvements, adopt regulations and levy taxes to prevent unreasonable water pollution.

Seasonal Population: Residents who live in Windemere Township mostly in the warm weather months.

Sewer Line: A pipe used to carry wastewater from houses or businesses to a treatment facility.

Shore Impact Zone: The area from the lake to half way to the building setback line.

Shoreland Area: The land within 1,000 feet of the Ordinary High Water Line of certain designated lakes and 300 feet from the Ordinary High Water Line of certain designated streams.

Solar Energy Conversion Field: A set of photovoltaic panels mounted on the ground for the purpose of generating electricity for sale to a utility company.

State Forest: Land owned by the State of Minnesota primarily for the propagation of trees but also used for a variety of outdoor recreation including hunting. Some privately owned land parcels maybe surrounded by state forest land.

Steep Slope: Unless otherwise defined, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more.

Subdivision Code: The set of ordinances officially adopted by the Township Board of Supervisors that govern the division of land into separate parcels for the sake of ownership or development.

Subsurface Sewage Treatment System (SSTS): An individual, on-site system for the safe treatment and discharge of wastewater from a house or business as regulated by Minnesota Administrative Rule 7080. Includes mound systems and holding tanks.

Township Road: A public road owned and maintained by Windemere Township.

Use: The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized, or maintained, and shall include the performance of such activity as defined by the performance standards of this ordinance.

Use, Principal: The main use of land or buildings as distinguished from subordinate or accessory uses.

Vacation Rental: The renting of a furnished house on a temporary basis as an alternative to a hotel, motel or resort.

Value-Added Business: A value-added business is one that uses crop or animal products produced in the region to create new products for wholesale or retail trade.

Variance, Zoning: A variance is a departure from the literal provisions of the zoning ordinances and is granted by a resolution of the Town Board. Variances are sometimes wisely given to adjust for unique circumstances on a single property that were not foreseen when the zoning ordinances were written. Variances may only be given for dimensional regulations such as minimum lot area, minimum lot width, minimum building setback, maximum building height and so on. A variance may not be given to allow a use of land, such a business instead of housing.

Wetland: Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands must (a) have a predominance of hydric soils; (b) be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and (c) under normal circumstances, support a prevalence of hydrophytic vegetation.

"A wetland" or "the wetland" means a distinct hydrologic feature with characteristics of item A, surrounded by non-wetland and including all contiguous wetland types, except those connected solely by riverine wetlands. "Wetland area" means a portion of a wetland or the wetland.

Wind Energy Conversion System: A wind-driven machine that converts wind energy into electrical power for the primary purpose of resale or off-site use

Zoning Application: A form supplied by the Township that an applicant uses to describe his request for an action by the Township related to land use or construction.

Zoning Code: The set of ordinances officially adopted by the Township Board of Supervisors that govern the use of land in the Township.

Zoning Map: A map officially adopted by the Township Board of Supervisors that shows the pattern of zoning districts across the Township.

Zoning Permit: Written permission from the Township that describes the terms of an approval by the Township to act in accordance with the zoning code. Related: subdivision permit.