



1601 Minnesota Drive  
Brainerd, MN 56401

March 10, 2021

John Wesely, Town Board Chair  
Windemere Township Town Hall  
91546 Military Road / County Road 50  
Sturgeon Lake, MN 55783

**Re: Inconsistency between Windemere Township and Pine County Shoreland Ordinances.**

Dear Chairman Wesely,

A recent development proposal in Windemere Township was brought to the Department of Natural Resources attention. This caused DNR staff to review Windemere Township's current Shoreland Ordinance. DNR staff have found the Windemere Township Shoreland Ordinance is not consistent with the State shoreland rules (6120.2500 – 6120.3900) and the Pine County Shoreland Ordinance. One purpose of this letter is to notify the Township to amend its ordinance to be consistent with both. Another purpose of this letter to address the Sand Lake Resort Redevelopment.

**Inconsistency between Windemere Township's Shoreland Ordinance and Pine County Shoreland Ordinance and State Shoreland Rules**

Both Minnesota Statute 394.33 and Minnesota Rules 6120.3900 Subp. 4a. require township ordinances to be as restrictive and contain the same range of shoreland provisions as the county zoning ordinance. At this time, we have determined that the Township's ordinance does not contain the shoreland Planned Unit Development (PUD) provisions found in Minnesota Rules 6120.3800 and Section 8 of the Pine County Shoreland Ordinance. We are reviewing the Township's zoning ordinance to determine if it is missing other provisions and/or otherwise less restrictive than the County's shoreland ordinance. We will provide you with a complete list of provisions separately.

The Township must amend its ordinance to include the shoreland PUD provisions and be no less restrictive than all parts of the Pine County Shoreland Ordinance. Under Minnesota Statute 103F.221 Subd. 1 (b), Windemere Township has one year from the date of this letter to amend its shoreland ordinance to be as restrictive as the Pine County shoreland ordinance. Please follow the steps outlined on the DNR's Adopting & Amending Shoreland Ordinances page.

## **Sand Lake Resort Redevelopment**

We understand the Township is preparing an EAW for this project. We will review the project during the EAW comment period for compliance with Shoreland rules, other approvals needed, and the potential for significant environmental effects.

The EAW should consider that under state rule and the County's ordinance, a shoreland PUD requires a conditional use permit with specific performance standards that must be met in order to approve. These standards are intended to manage and mitigate impacts to lakes, rivers, and other shoreline resources from intense shoreland development associated with resorts, hotels, and campgrounds. The proposed Sand Lake Resort project meets the definition of a shoreland commercial PUD under the shoreland rules (6120.2500, Subp. 3a.) and the County's ordinance (Section 2.7.8), and should therefore be subject to commercial PUD standards that are at least as restrictive as the shoreland rules (6120.3800) and the County's ordinance (Section 8). The Township's ordinance currently has no such provisions.

Thank you for your cooperation with these issues. Please contact Area Hydrologist Heidi Lindgren with any questions.

Sincerely,



Seth Goreham  
DNR Region 2 West District Manager

CC: Heidi Kroening, Windemere Township Vice-Chairperson  
Dennis Genereau, Windemere Township Zoning Administrator  
Caleb Anderson, Pine County Land & Resource Manager  
Darrell Schindler, DNR Division of Ecological Water and Resources Regional Manger  
Heidi Lindgren, DNR Area Hydrologist  
Dan Petrik, DNR Land Use Specialist  
Mark Lambert, Sand Lake Resort

*Equal Opportunity Employer*