

2025 ARNA TOWNSHIP ZONING SURVEY

In the late summer of 2024, our Planning Commission began the process of making updates to our zoning ordinance. There were many reasons for doing this, mostly because changes to the Pine County ordinance caught up with us. Our zoning must be “as or more restrictive” than the county, so when they change their ordinance, those changes are passed on to us.

Last November when Pine County mailed out tax statements, there was some sticker-shock over the new township budget. At the January Town Board meeting, some expressed concerns about the amount that zoning contributes to this, so the Town Board put a pause on developing a new ordinance until public sentiment about our existing ordinance could be determined. It is the Planning Commission’s job to do studies like this, and they decided that a survey mailed to landowners is the most effective way to accomplish the task. Wanting feedback from the public that is based on facts, the first three pages of this mailing are an attempt at satisfying that goal. The last page is the actual survey, which we hope you will fill out and return.

Zoning consists of the interplay between four topic areas: 1) actual zoning regulations, 2) DNR Shoreland regulations, 3) the subdivision of land, and 4) PCA sewer system regulations. Pine County addresses each of these topics in a separate ordinance; all four put together totaling 188 pages of regulations. If a township wants to administer these regulations, they can take over jurisdiction on almost any combination of these components. For various reasons, Arna Township decided to administer all four topics in one big ordinance of 79 pages. FYI, we need to clarify one distinction: when someone says “zoning,” do they mean all four topics, or do they mean just one specific topic? When someone is talking about Pine County zoning, they need to clarify which of the four topic areas they are referring to, but when talking about Arna Township zoning, clarification is unnecessary because it’s all just one big ordinance.

A false rumor going around confuses the funding between zoning and our nuisance abatement program. The fact is that zoning and nuisances are established under two completely different ordinances. The nuisance ordinance deals only with the issue of junky looking yards around Markville, which covers less than 1% of the township, while zoning applies to 100% of the township. Nuisance funding has come totally from the money received from the sale of the town land on Enders Road, while zoning is partially funded by property taxes. Zoning is not nuisance abatement. Nuisance abatement is not zoning. The commitment to clean up the town was not decided by the Town Board alone but rather was decided by a vote of the residents. We have spent \$50,056 on two nuisance cases between 2021 and 2022. One cost \$36,500, which was assessed against the violator’s property taxes, of which \$15,200 was court ordered cleanup costs accomplished under the open bidding process. In the other case, the Judge ruled that township costs could not be assessed against the property owner. On the survey form you will find an option to indicate whether you think we should keep or repeal our nuisance ordinance.

On the issue of zoning costs and property taxes, the explanation begins by noting that the amount of taxes to be collected is not determined by the Town Board, but by the residents of the township at the annual meeting on the second Tuesday of March. In preparation for that meeting, the Town Board provides a non-binding recommendation for each of the seven accounts, informing the residents of the amount they think appropriate for each fund. The county collects the taxes a year later, and the money is sent to the township, first half in July, and second half in December.

Annual meeting 2023	First ½ \$ in July 2024	Total = \$115,000	
Annual meeting 2024	First ½ \$ in July 2025	Total = \$193,500	Increase of \$78,500
Annual meeting 2025	First ½ \$ in July 2026	Total = \$183,500	Decrease of \$10,000

The reasons that the 2025 “sticker-shock budget” was increased by \$78,500 are unexplained here due to limited space. Call or email for an explanation if you want. The Town Board’s proposal for the 2026 decrease of \$10,000 was because the Cemetery Fund could be reduced back to what it used to be. Getting back to the main issue of current zoning funding, the details of the 2025 budget are as follows:

General Revenue:	\$120,000	Road & Bridge Fund:	\$30,000
Road Grader Fund:	\$15,000	Fire Protection Fund:	\$5,000
Cemetery Fund:	\$15,000	Building Improvement Fund:	\$5,000
Zoning Fund:	\$3,500		

The point is that for 2025, none of the \$78,500 budget increase was related to zoning. Also, you can see that zoning is the smallest of the seven funds, at 1.8% of the township budget. Zoning was the only fund that was reduced from 2024 levels: going from \$5,000 per year for many years, down to \$3,500. The \$78,500 budget increase would have been \$80,000 if it weren’t for this zoning reduction. It might also be interesting to compare the total funding of Arna’s zoning program against Pine County’s numbers. For 2024, Arna’s zoning fund took in \$3,800 from permit fees, and \$5,000 from property taxes. The proportion of income between permit fees and property taxes is pretty close; Arna = 43%, and Pine County = 57% (most county permit fees cost more than ours too). Where do you get a building permit for \$50? Here.

	<u>ARNA TOWNSHIP 2024</u>	<u>PINE COUNTY 2024</u>
Income from permit fees:	\$3,800 = 43.2%	\$196,980 = 56.8%
Paid by property taxes:	<u>\$5,000</u>	<u>\$149,635</u>
Total zoning fund:	\$8,800	\$346,615
Property tax mill rate:	0.02076	0.02950

It is true that if Arna Township hands zoning jurisdiction back to Pine County by repealing its zoning, landowners will not need to pay more to the county for administering our zoning. Our zoning fund would drop to zero, which would save the average property owner a bit over \$10 per year (using \$5,000 from the table above, spread over 475 parcels). By the same math, the so-called average parcel is charged \$407 per year for township taxes for 2025 (\$193,500/475), so we all pay about \$10 to zoning, and \$397 for everything else the township does for us. To put this \$10 in perspective, it seems we need to ask ourselves, what is the advantage of having our own zoning regulations? There are both financial reasons and “quality of life” considerations.

On the financial aspect, not driving over to Sandstone to get a permit is worth nearly \$10 alone. Secondly, most of their permit fees are higher than ours (\$100 more for a building permit). A more significant issue is that of legal costs. In 42 years of zoning, except for nuisances described earlier, the township has prosecuted two cases in court: one a zoning case, and the other a town road issue. In both cases, the township won the case, but in the zoning case, the Judge did not allow the reimbursement of township costs (\$5,000), while the

road enforcement costs of \$3,000 were assessed against the property and will eventually be recovered by the township. Please note the huge difference in enforcement costs between nuisance cases and zoning cases.

The survey that follows is broken down into the four topic areas described on Page 1 so that you can reply separately to each topic area if you want. In regard to repealing single topic areas, the county **is required** to step in concerning sewers, shorelands, and subdivisions. For zoning, if we repeal ours, we would then need to decide whether to opt-in or opt-out of county zoning. FYI: on county zoning, Cloverton has opted in, Duxbury has opted out, and Ogema has retained their own zoning (but not the other three pieces). There is always more detail that can be explained, but again, because space is limited, only the more significant differences between township and county zoning are explained in each section of the survey.

On quality-of-life issues, keep in mind that if we administer our own full-featured zoning, we can control events, but if the county administers the zoning regulations, it will be nearly impossible for us to amend the county ordinance for any purposes unique to us. Under Items 5 & 6 on the survey, you will find some discussion about one of the more controversial issues we have faced over the years, that of campgrounds. Please consider this explanation as nothing more than an example, because the same reasoning also applies to other future potential issues we have never experienced yet (like major junkyards, racetrack noise, and many others).

It is hoped you appreciate this information as much as the Town Board appreciates your responses. If you do not want to complete the survey but simply want to provide comments on a separate sheet of paper, then please do so. If there is more than one person in the family, and you each want to make differing responses, then either make a copy of the survey, request a copy from me, or you can also download a copy from the Internet at arna.gov (where a copy of our ordinance can also be found). However, you decide to respond, be sure to provide some form of identification at Item #1, as all anonymous responses will not be included in the tally of results. Please call or email if you have any additional questions, and please return this survey by May 5, as the next Planning Commission meeting is May 7, when the responses will be tallied and sent to the Town Board.

Bob Brewster, Zoning Administrator
47196 Witt Lane
Markville, MN, 55072
320-242-3236
arnatech@sirentel.net

Parcel ID - 025009000
TODD M SR JOHNSON
78240 MARSHALL ST
SANDSTONE MN 55072

1. **NUISANCE ORDINANCE:** The Pine County zoning ordinance contains nuisance abatement language, but their budget restraints have resulted in almost no enforcement. Repealing Arna's ordinance would likely not result in the county taking up the issue.

Should Arna Township repeal its Nuisance ordinance? ☐ Yes ☐ No

COMMENTS:

2. **SUBDIVISION REGULATIONS:** The most significant impact between Arna and Pine County's subdividing regulations can be seen from the Kutzke platted development off the State Line Road. If this development had been approved by Pine County, it would have had 57 lots, with those along the Upper Tamarack River at 2 acres each. Our ordinance limited this development to 26 lots of 5 acres each. Our existing ordinance today allows 20 acres to be divided one time, in any proportion.

- ☐ Keep Arna Township Subdivision regulations as is
☐ Keep Arna Township Subdivision regulations but allow smaller parcels
☐ Turn over Subdivision regulation to Pine County (which allows smaller parcels)

COMMENTS:

3. **SEWER SYSTEM REGULATIONS:** This topic is the one where Arna's rules are not too much different than the county's rules. The biggest differences between Arna and Pine County's regulations are 1) regulating RV's in Shoreland areas, 2) our 3-year tank pumping reminder card, and 3) a stronger Compliance Inspection when land is sold.

- ☐ Arna should retain sewer system jurisdiction
☐ Turn sewer system jurisdiction back to Pine County

COMMENTS:

4. **ZONING REGULATIONS:** Zoning involves mostly building permits and conditional use permits and standards. A full comparison between Arna and the county would take a page of its own, but the more significant differences are:

- No minimum dwelling size for the county, while we have a 400 sq foot minimum. The county has no foundation requirements for dwellings. In Arna, structures under \$2,500 are exempt from building permits, while the county requires permits down to 120 sq ft.
- Right now, all of Arna is zoned multi-use, not exclusively agricultural. Under the county, a 2nd residence is only allowed in a district specifically zoned as Agricultural. It needs both a building permit and a \$600 conditional use permit. It must be built on a site that has direct road access, whether or not you ever intend to divide it from your property.
- The county doesn't regulate full time occupancy of RV's, even for sewer system issues.
- We have many distinctions between Zone A (the town site) and Zone B (the rest of the township) that involve many impacts such as sewer system issues and subdivision lot size. County zoning would not make this distinction.
- For Conditional Use Permits, the county allows Vacation Home Rentals (VRBO) without a public hearing. Businesses inside your house are allowed, while businesses outside (like an auto repair facility) are not. Campgrounds are allowed, trailer parks are allowed, and shooting ranges would be allowed in the town site. Wind & solar farms are regulated.

Perhaps the most significant issue here is that of campgrounds, a big issue for us a few years ago, when up to 300 campsites were proposed at the end of the Stuart Road, on the Upper Tamarack River. At a town meeting residents agreed that a campground was unwanted because it would create too much noise (4-wheelers, loud music, etc). County zoning would likely have allowed this campground (you'll find the same issue again in the following Shorelands section).

- ☐ Keep the Arna Township zoning ordinance in effect
☐ Drop Arna zoning and Opt-in to county zoning
☐ Drop Arna zoning and Opt-out of county zoning

COMMENTS:

5. **SHORELAND REGULATIONS:** An important issue in Shorelands is that of RV's, setbacks, and sewer systems. RV's have a license plate so the DNR and the county consider them exempt from the 100-foot setback from a river. Our rules can be as or more restrictive, so we can require RV's to be under the same rules as all dwellings, including both setbacks and sewers. It is one thing for someone in an RV to park near a river for overnight camping and be gone the next day or two (like at Tozier Park), but more often, people buy land along a river and set up an RV as a substitute cabin. The RV never moves for 30 years or more, and even if the RV has built in toilet facilities, which many do not, is an RV tank good for 30 years without servicing? In our situation where the township has zoning jurisdiction and disallows campgrounds, if we repealed Shoreland jurisdiction then our zoning rules would not apply inside Shoreland areas. If this had been our situation, the campground would not only have been approved by the county, but a large number of RV's would have been allowed only five feet back from the water's edge. Is our control of issues like this worth \$10 per year in property taxes?

- ☐ Arna should retain jurisdiction over Shoreland areas
☐ Arna should repeal their Shoreland jurisdiction

COMMENTS: