

ARNA TOWNSHIP COMPREHENSIVE PLAN

Original Plan - October 1983

Amended I - September 2002

Amended II - April 2005

Amended III - December 2010

Amended IV – May 2021

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PURPOSE OF THE COMPREHENSIVE PLAN

From time to time the residents of a township may come to feel that action should be taken by their local government in order to solve problems within the township. Such actions may take many forms, one of which is comprehensive planning.

Comprehensive planning attempts to study and discover various factors that influence the township. It is hoped that the results of such studies can lead to the definition of realistic long-range goals that will more effectively guide the future. In this way, an organized and economical use of the resources of the township might be realized. Also, once the comprehensive plan is developed, all persons owning land within the township should become aware of the goals of the township. Hopefully, this will reduce the frequency of future conflicts and problems.

Some of the concerns expressed by the residents of Arna Township involve the following:

- The trend recently toward subdivision of land into increasingly smaller parcels, and the influence of such action towards an escalation in land prices.
- The number and appearance of non-resident hunting cabins; either buses, trailers, or cabins with a tar paper covering.
- The loss of agricultural land.
- The increasing use of pesticides, herbicides, and other chemical agents, and the effect on the quality of the environment.

This list is by no means complete. This comprehensive plan will attempt to address these and other problems within Arna Township and suggest actions to resolve those problems. Also, it should be realized that comprehensive planning is an on-going process that will necessitate changes commensurate with changing future circumstances.

ENABLING LEGISLATION

Minnesota Statute 462.355 grants the authority that provides for comprehensive planning by a township. After due consideration of this statute and other factors, the Arna Town Board established the Arna Planning Commission by the adoption of Ordinance 1, on March 28, 1983. That ordinance empowers the planning commission to develop a comprehensive plan that should be referred to the Town Board with a recommendation for adoption.

BACKGROUND INFORMATION

Arna Township is located in Pine County, Minnesota, which is situated in East Central Minnesota. The township borders the State of Wisconsin at the point where the St. Croix River first becomes a boundary between the two states. The history of the St. Croix River Valley is well documented in its relation to early navigation and exploration of the region, as well as to its importance to the timber industry in the late 19th and early 20th centuries. It is within this context that Arna Township was organized in March of 1910.

The townsite of Markville was platted and recorded in three separate phases; the first in September of 1911, the second in August of 1914, and the third, Bergmann's Addition to the

Townsite of Markville, in December of 1915. The town and township were very much tied to the operation of the Soo Line Railroad, which came through the area in about 1912. The maximum population of the township was reached in 1920 at 349 persons, and then decreased slowly until World War II, when there was a population of 303. The population decreased rapidly in the 1940's. For the past 25 years the township has held a mildly fluctuating population of about 90.

The decline of the timber industry, along with employment opportunities in the cities during World War II, led to a rapid increase in tax forfeit land during the 1930's to 1950's. Much of this land was dedicated to conservation purposes, and led to the establishment of the St. Croix State Forest in about 1953. At that time, land could be bought for 50¢ to \$1.00 per acre.

As late as 1970, land was selling for \$10.00 per acre; but the 1970's brought an explosive increase to land values, increasing four times over in some years. Land prices have stabilized in the early 1980's, with prices often around \$500.00 per acre, but seen as high as \$1,350.00 per acre. Until the last ten years, typical land sales were generally for 40 acres or more. Recently, sales of 20 acres, 10 acres, and 5 acres are on the increase and becoming the norm.

The town of Markville used to have many stores; a bank, a creamery, a school, passenger train service, and so forth. The last store closed about 20 years ago, and the school was closed about 1961. The last freight train came through in 1981, and the line is now up for abandonment. All that remains for a public building or business is the post office and two churches. There are five families that run a farm, and one that operates a sawmill. There are 35 families in the township, with 84 people. Seventeen of these families are retirement age.

Arna Township is primarily an undeveloped forested area. Several rivers flow through the township but there is only one lake. There are considerable wetland areas comprised of numerous small swamps and bogs, but very little peat land. The geology is diverse, progressing from sandy soil in the southeast of the township, to loam, and eventually to rocky clay soil in the northwest area of the township. Individual 40-acre parcels usually contain several soil types. Non-residents own the majority of privately held land. There are 125 developed and 277 undeveloped parcels in the township. By far, the most prevalent land use is for recreational purposes, especially deer hunting and snowmobiling.

STUDY RESULTS & POLICY RECOMMENDATIONS

I. Transportation

There is a little more than 16 miles of township road in Arna Township, and about the same number of miles of county roads. They are all gravel and dirt roads except for the 1 1/2 miles of paved County Road 25 heading east out of Markville to the State Line Road. All of the Wisconsin roads are paved and this leads to strong economic ties to Wisconsin business by the residents of Arna Township. County Road 25 is supposed to be upgraded next year, which should lead to more traffic west from the township instead of east. The new bridge at Hay Creek on County Road 25 in 1981 allowed better access for heavy traffic such as logging trucks, hauling gravel, and cement trucks.

Township roads are generally in fair to poor condition. There is a need for some ditching, culverts, gravel, and clearing brush and trees along the edges to allow the sun to get on the road, and also for the snowplow wing. The recent purchase of a road grader by the township has helped the condition of the town roads in recent years, but has also put a strain on funds available for upgrading the roads. Once the grader is paid for, the following projects should be pursued:

- A. Widening, ditching, and gravel should be applied to most township roads in order to improve their condition. In as much as there is a scarcity of gravel, the township should look into acquiring some land with gravel on it, which may be cost effective in the long run.
- B. Investigate a capital improvement program to construct a building to house the road grader to keep it out of the weather, and make repairs.
- C. Look into the possibility of obtaining a grant or other assistance to rebuild the bridge on Bjork Road over Hay Creek at the corners of Sections 3, 4, 9, and 10. There is one mile of town road north of this location, and now it can only be reached and maintained by driving around through New Dosey Township. Trout River Plat is also in this area, and this situation could present future problems and costs.
- D. Road standards for new road construction should be adopted by the township if and when the township adopts a subdivision ordinance. These standards should at least cover right of way width, road surface width, culvert standards, road surface gravel standards, and back sloping erosion control. In this way, new roads would not be such a burden to the township. No exact standards are set herein, and a consultation with the county engineer or equally competent individual is recommended.

II. Land Use

Recreation is easily the most prevalent land use within Arna Township at 45%. State Forest and other non-tax bearing land categories are second at about 38%. Farm and residential lands comprise about 17% (see map).

Recreational activities are very diverse, and range from hunting, fishing, canoeing, and snowmobiling, to simply getting to a rural area to relax. There are not many recreational facilities within the township except for the township park at the Hay Creek Flowage on County Road 25, and access parking for the Squaw Point Trail on the St. Croix Truck Trail.

Agricultural lands are best suited for pasture, hay crops, and small grains. A couple minor economic considerations for lands that are usually thought of as being for recreational use are trapping and harvesting wild rice. Logging is a major economic activity on lands we classified as recreational.

Through the study of recent land sales, the logistics of the present road system, and what lands are reserved for state forest, future land development seems most likely in the following sections, in decreasing order: 27, 22, 24, 25, 11, 10, 36, 14, 15, 32, 29, and 28.

The location of rivers, lakes, and wetland areas do not seem to need special consideration in regard to areas to be promoted or restricted for future development. Such areas are more or less

evenly distributed throughout the township. The one exception to this guideline is the lands at and around the Hay Creek Flowage, which is a unique and valuable undeveloped area that should remain so. Existing state and county laws governing the management of wetlands and shoreline areas seem sufficient for the purpose at this time. Therefore, no legislation in respect to wetlands seems necessary on the part of the township.

At this point in time it therefore seems most appropriate for the township to promote recreational activities to reinforce the economics of the township. However, care must be taken to also preserve agricultural and other open lands, which provide diversity, food, wildlife habitat, firebreaks, and many other valuable considerations. With this in mind, the following specific goals are suggested:

- A. Improvement of the Pansy Landing Road all the way to the St. Croix River, which is a National Scenic River, managed by the Department of the Interior. Also, the point where the road meets the river is of national historic significance, and has had a preliminary archaeological study. Two persons in Arna Township are involved in outfitting and canoe trips, and must presently use Wisconsin access to the river. It would be advantageous for the DNR to make a parking lot on the half section line of Section 35.
- B. Acquire right of way and extend the Witt Road one quarter mile south to connect with the DNR road that provides access to the Rock Lake area in Ogema Township. Recent improvements to this area by the DNR for cross-country skiing, horseback riding, hiking, fishing, and other similar activities make an access from this township beneficial to many.
- C. Improve the Enders Road as much as possible. This is one of the poorest roads in the township, but shows the most activity in regard to land sales and potential for development. It can be expected that the increase in the tax base of the township in this area would offset the expense of road development. Also, if this road were fixed all the way through, the road grader would not be deadheading from one end of the township to the other.
- D. Repair the dam at the Hay Creek Flowage, which is eroding badly. It is essential that this one existing recreational site be preserved, as many people already camp at and use these grounds. However, care must be taken not to reconstruct the dam too high because of potential flooding both to agricultural lands further upstream, and too high a water level for the only wild rice bed in the township.
- E. Encourage the Pine County Board to release for sale the tax forfeit land in sections 13, 14, and 23. This would increase the tax base of the township and seems prudent in light of the fact that there already exists so much land in this township set aside for non-development.
- F. Sell the land owned by the township on the Enders Road. The township already has a park at Hay Creek Flowage, and the only benefit the township receives from this land is a possible timber sale maybe once every 40 years. The sale of this land would both increase the tax base of the township and provide funds for other projects contained herein. To place the money from this sale in a bank account and just spend the interest would bring a greater return to the township than at present by owning the land.

III. Zoning and Subdivision

A look at land sales over the last six years verifies the belief that land is being subdivided into increasingly smaller parcels in this area. In 1977, a typical land sale was for 90 acres, whereas today that average is about 30 acres. Today there are 402 parcels in the township, whereas ten years ago there were 157.

The immediate expense to a township in regard to increasing subdivision is the cost of assessing those parcels. Today, this single item nearly matches the total town budget of just six years ago. Subdivision also brings other real costs such as road maintenance and many intangibles such as increased numbers of deer hunters in a limited area. Next year's township budget is nearly eight times the budget of six years ago. The purchase of a road grader over the term of three years (1981-1984) as well as cuts in state aids have had an appreciable effect on these figures, so the budget increases are not solely due to increased subdivision. Also, increased subdivision increases the tax base of the township and offsets expenses to some degree.

However, subdivision does increase land values. A person can sell four ten-acre parcels for much more than the sale of one 40-acre parcel. This effect tends to make it unaffordable for a person to buy the land necessary to support a small farm operation. It seems that the percent representation of the town budget to the total tax levy has remained fairly level over the years. Put another way, township spending seems to be on a par with the increases at the county and school district levels. Maybe the same factors control these three levels of government equally.

All of these facts have evolved in the presence of a Pine County Subdivision Ordinance. If it is desired to alter present trends, then the township must adopt subdivision regulations under M.S. 462, as these laws supersede other provisions. It is the opinion of the planning commission that the spirit of the current Arna Township Interim Ordinance is a step in accomplishing the regulation of subdivisions in a manner that benefits the township.

A study of land sales, as well as a glance at the current plat map of the township indicates that land is being intensely subdivided along county roads, and to a lesser degree along township roads, to a depth of one-quarter mile. This should be no surprise to anyone who lives here, but it underscores the relationship between transportation (access) and land use. Both resident and non-resident population density is fairly evenly distributed throughout the township along roads. It may be advantageous for regulations to be adopted in such a way as to encourage development further from roads before frontages become "boxed-in". Lot width-to-length ratios might accomplish this goal.

In regard to concerns over the appearance of non-resident cabins around the township, especially manufactured homes and cabins with a tarpaper exterior, it has been found that regulations on this subject come under the jurisdiction of building codes, not zoning regulations. The adoption of the State Uniform Building Code (UBC) as a minimum standard makes such action unattractive due to its cumbersome nature and the bureaucracy necessary to support it. The adoption of minimum floor space regulations through zoning, especially minimum width standards, is available and may help the situation, but it is questionable whether size relates to physical appearance.

It is the recommendation of the Arna Planning Commission that the Arna Town Board:

- A. Pursue and adopt both zoning and subdivision regulations under M.S. 462. The present Arna Interim Ordinance should be refined and developed into an instrument that will organize the township in a more efficient manner than has been done in the past.
- B. Building permits or land use permits should be provided for. This ensures both a fair distribution of the tax rate and helps reduce township costs for assessing. Permits should cover both new construction and reconstruction, so that nonconformities will come to the attention of the board.
- C. Lots sizes should be set so that smaller parcels are permissible around the town site where small parcels already exist. Outward from this area a larger minimum parcel size should be set, and perhaps further outward from this zone an even larger minimum parcel size could be set. This method of organization should help subdivision be compatible with the present situation, and also ensure future efficiency, as demonstrated for example, by the current road density which correlates with the population density (and helps keep road grader costs down).
- D. A separate zoning fund should be established in the township records so that costs can be tracked and administrative fees can be set to cover the cost of regulating, and thereby alleviate the upward trend of the township budget.
- E. Adopt road standards, especially cognizant of the fact that adoption of M.S. 462 will bring plats before the township board for approval. Although some new roads may be welcomed, poorly constructed ones are not.

IV. Miscellaneous Findings and Recommendations

The following is a conglomeration of various topics and studies, along with the results of those studies:

- A. Cemetery: the size and needs of the present township cemetery are sufficient for the foreseeable future. No actions necessary.
- B. Dump: the size of the present township dump will handle township needs at the present rate of usage for many years to come. For reasons of appearance, land filling should proceed from the present pit approximately in the center of the cleared area, thence towards County Road 25 to fill in the low ground first, and then begin a second tier, which should be sloped in such a way to prevent runoff from entering the small stream not too far away. This pattern should accommodate environmental concerns raised by the Minnesota EPA. Trees on top of the hill that is being used for fill, need to be cut away.
- C. Fire Protection: the contract with the Dairyland Fire Department is an improvement over the past years. It has come to our attention that the Minnesota DNR may be able to provide local fire protection equipment if the township has a building for such equipment. Perhaps if a project is started to house the road grader, then provision can be made for a fire truck as well.

D. Townsite: much comment has been received concerning the physical appearance of the townsite area of the township, especially in regard to feed storage, junk cars, and lawns of non-residents being mowed in the summer time. There is also concern about lot size and the fact that the soil texture is sandy with a high water table. There is a problem about sewage systems that needs to be investigated in relation to these facts. Once again, provisions within a zoning ordinance can lessen many of these problems, but will not necessarily address problems of physical appearance.

E. Use of Chemicals: a very strong and near unanimous sentiment has been expressed in regard to the usage of chemical agents on large tracts of land by various agencies. For example, the DNR uses 2,4-D to control brush on conifer re-forestations. Some would question the use of the chemical, but perhaps the heart of the matter is the very policy to plant conifers in the first place, at least in such numbers. The Arna Township area is better suited for aspen production with a relatively short turn over time compared to conifer production. This would help the unemployment picture and also provide better wildlife openings. A different branch of the DNR wishes to use Tordon, another toxic chemical, to create wildlife openings. A united policy by these two DNR departments would satisfy both criteria in a symbiotic manner without the use of any chemicals at all.

Another factor to be considered is the very high water table in Arna Township together with the prevalence of many shallow wells. It is the residents of the township who are the sole risk bearers to any potential health hazards associated with chemical applications upon the lands. For this fact alone they should at minimum have a voice in setting policy towards chemical usage within the boundaries of their own township. The township should investigate the adoption of an ordinance to support and acknowledge these views.

F. Industry and Employment: it is hard to envision the creation of the problems associated with industrial impacts on rural areas taking place in Arna Township. Transportation is a roadblock to even light industry, let alone smokestack industry. One or two commercial establishments related to tourism and/or recreation are all that seem possible beyond what exists today.

AMENDMENTS 2002

This first amendment began by looking back to what was written almost 20 years ago in our original 1983 Comprehensive Plan. The first impression was that almost nothing has changed. For example, in 1983 we noted that Pine County Road 25 was due to be upgraded by the county. Twenty years later that still has not been done, but again, the county just recently informed us that County Road 25 was due to be blacktopped by next year. Also, the subject of junky looking properties (and junkyards) is still unsolved and near the top of everyone's "need to do" list.

On second thought, much really has changed. Where the original Comprehensive Plan documented land prices in 1983 at \$500.00 per acre for a 40 acre or larger tract, to \$1,350.00 per acre for a small tract on water, the comparable prices in 2002 are \$1,250.00 per acre for a 40 acre tract of tax forfeit land recently sold on the Enders Road, up to \$6,000.00 per acre for a waterfront parcel in the Kutzke Tamarack River Ranch plat. It is little surprise that land values have gone up over the years, and perhaps not unreasonably so when you consider that a \$500.00 item at five percent interest per year, over twenty years, becomes \$1,326.65.

Other changes are that the post office was closed in 1987. Service from Sandstone is of course not as good as the local P.O. was. The dump was closed about the same era as the post office, and we established a trash hauling cooperative arrangement with Wilma and New Dosey Townships going with us to purchase a trash hauling truck in the late 1980's. The old Soo Line Railroad bed was cleared of rails and ties, and turned into the Gandy Dancer Trail by the DNR. This trail has been part of the explosion in popularity of four-wheelers from Danbury to Belden, as well as more weekend recreational use at Rock Lake in Ogema Township. In 2001 we lost our fire protection contract with Dairyland, Wisconsin, so we went together with Wilma and New Dosey again, to provide our own fire protection. We now have a fire truck in the garage with the road grader.

Also in 2001 we got road names and road signs from the county, as well as fire numbers. This program was touted on behalf of improved emergency services, but it was done with many errors in road names, and wrongly placed fire numbers. We still have a clumsy 911 emergency plan, due mostly because our phones are routed through the Wisconsin exchange. A 911 call goes to Wisconsin, who then calls Pine City, who then calls . . . whomever.

Another aspect of this change is the coming change (again) in postal addresses, beginning next year, based on this countywide numbering system, from a Route 2 style address to a 1234 Oak Street style address. We also had to change our telephone area code from 612 to 320 in the mid 1990's, so we have changed business letterhead, return address labels, driver's licenses, banking checks, business cards, and all such things three times in ten years.

In 1983 the township budget was about \$9,500.00, and last year the township spent about \$64,000.00, but nearly \$25,000.00 of this cost was for a couple "one time" items; 1) the fire truck and building costs were \$10,000.00, and 2) the great flood of April 2001 cost \$15,000.00 in emergency road, bridge, and culvert repairs. The increase in the township budget (and taxes) is due to many things, among which are a) the loss of state aids, b) inflation, and c) the fact we are doing more for ourselves. Over a period of 19 years, a budget going from \$9,500.00 to \$39,000.00 amounts to an increase of about 8.3% per year.

The population has remained solidly at 85 persons or so, but there are more people of retirement age, and many less school age children than in 1983. There is much less agricultural land, and non-resident recreational use has increased. There has been one plat in 20 years, at Kutzke Tamarack River Ranch on the State Line Road. This development has turned out well; the roads are in good shape, and the area seems pleasant. Many landowners there have given very positive feedback concerning our subdivision regulations.

Looking back at the recommendations made in the 1983 Comprehensive Plan, the following eight suggestions have come to be adopted:

- roads are in better shape in regard to culverts, gravel, and ditching
- we got a building to house the road grader
- we have a good set of road standards in our subdivision ordinance

- we adopted subdivision, septic system, shorelands zoning codes
- we have refined the building permit process
- we tracked zoning costs to help set fees
- we lost the dump but gained a trash collection system
- we have much better local fire protection

And no actions were taken so far on these seven suggestions:

- a bridge over Hay Creek on the Bjork Road
- develop access to St. Croix River at Pansy Landing Road
- develop access to Rock Lake Campground
- open Enders Road all the way through
- do preservation work at Hay Creek Flowage dam
- sell township land on Enders Road for a cash fund
- chronic problem of trashy looking parcels still rampant

A review of the past twelve years of building, sewer, and subdivision permits (see Maps, Tables, and Data) shows there are approximately nine building permit applications per year, three sewer system applications per year, and one subdivision application per year. We have had no conditional use permits.

In 1983, there were 402 parcels (125 developed, 277 undeveloped), and in 2002 there are 450 parcels of record in Arna Township (196 developed, 254 undeveloped). A review of Certificates of Real Estate Value at the assessor's office shows that there were 23 land sales in Arna Township in 2001, and there are 11 so far (as of July), in 2002. So, about 5% of parcels are selling each year. A very significant number of these (maybe 1/4) are the selling and reselling of parcels in the Kutzke plat.

In order to verify the effectiveness of our subdivision regulations, we do the following math: if there is about one subdivision per year, along with the Kutzke plat creating about 26 new parcels, there would be about 46 new parcels added since 1983. The figures show ($402 + 46 =$ estimate of 448 versus the true number of 450) we are probably "catching" all subdivisions.

The figures also show we are consistently getting about one sewer system application for every three building permit applications. In as much as the MPCA 7080 regulations require a system for every dwelling site, it seems we might be missing a significant number potential sewer systems. Since our new building permit application system has recently dovetailed the idea of having a sewer system considered when applying for a building permit, we should do better on this relationship in the future.

After reviewing the past plan, gathering updated data for the township, and discussing issues raised in the public hearing, we have had much discussion about what to suggest in the amended Comprehensive Plan.

The main item that continues to come to the fore is the chronic problem of unsightly yards, especially in and around the townsite. At times it seems we are gravitating toward two slightly different ordinances, one for the townsite, and a different one for the other areas of the township.

This realization leads to a discussion or analysis of just how and why these two areas are different. What drives these two sets of standards? The following are some reasons we have found for the difference between "town and country":

- Subdivision Regulations: The townsite has lots 50 feet wide by 140 feet long, whereas other locations in the township have five acre lots or larger. Our subdivision regulations recognize this difference and allow for different standards between different zones. Both sets of standards preserve the current nature of each zone.
- Septic Systems: The land in the townsite is sandy, with ground water very close to the surface. These two facts together with small lot sizes, makes it obvious that failing sewer systems have a much greater potential to impact neighboring parcels than elsewhere in the township. Our current "Point of Sale" regulations are an attempt to do something about this potential hazard.
- Setbacks: In a more densely populated area like a townsite, it is very common to find zoning regulations in relation to setbacks from roads, so that all houses form an approximate straight line as one looks down the street. There is no such standard in a rural area. Although we have decided not to adopt such regulations in our townsite, this example does help to emphasize the general acceptance of two standards over such issues. The same applies to shingle color, required lawn mowing, RV equipment storage, and many other examples seen in ordinances of other towns.
- Feed Lots & Storage: Looking back to the 1983 era of the original Comprehensive Plan, corn storage bins were an issue in Markville. Corn cobs bring deer, and being a townsite area, the road density is relatively high. The hazard of automobiles hitting deer is much greater around a town than out in the country. Although one could argue that public safety related to hitting deer is a general hazard throughout this township, it is still none the less, a much aggravated situation when one adds feed storage in the townsite.
- Public Nuisances: Towns, and any areas where people live in close proximity, experience many times the number of police calls for loud parties, loud music, fights, arguments, and other disturbances than rural areas do. Again, it is obvious that different areas require different solutions to different problems.

More examples could be listed. Piles of old tires breed mosquitoes, and piles of general trash can lead to rat infestations. These and other examples can be related to a deterioration of property values. The entire notion of what makes a community tick is seen much more clearly when people live closer together.

We have done a lot of consulting over MPCA 7080 issues with the State representative in Brainerd, the Pine County zoning administrator, and our local sewer system inspector. The job for a small township to "go it alone" to administer all these regulations seems very large. The majority opinion of the residents of the township is that the MPCA has "gone too far" when writing these rules. The biggest concerns that have come up revolve especially around two things; a) POS (Point Of Sale) inspections for sewer system compliance to bring nonconformities into conformity at the time land is sold, as well as b) how to administer the 7080.0175 Maintenance regulations for septic tank pumping every three years.

The first item can be controlled by the same method as subdivisions, at the county courthouse. For the second issue, it seems we will need to take an inventory of all sewer systems in the township to create a database of septic tanks that can then be tracked for the three-year inspections. We have proposed a mailing to all landowners to inform them of the new zoning rules when (if) adopted, and propose a return card in this mailing as one way to help find all septic tanks. Also, a review of past sewer applications (for 20 years), a review of the Pine County Assessor books, and a drive around the township should serve as a way to compile an almost complete database of septic tanks in Arna Township.

Therefore, upon discussion of these issues, and having held a public hearing to take testimony from the public on such issues, we the Arna Planning Commission make the following general recommendations to the Arna Town Board in this amended version I of our Comprehensive Plan:

1. In order to promote the health, safety, and general well being of our town and its people, we should adopt what might be called "nuisance laws" or "blight laws", especially concerning the townsite area of the township. These laws may cover junk cars, trash piles, tires, feed storage bins, and other such items related to hazards and public safety.
2. The long-term improvement of the environment is felt by many to be important. We should modify the existing zoning ordinance to better administer Minnesota PCA 7080 regulations, especially in regard to bringing non-conformities up to conformities at the time land is sold, as well as monitoring existing systems.
3. There is a need to update and modernize the building permit system by raising the threshold level for permits from \$1,000.00 to \$2,500.00, and also requiring permits when a parcel changes status from undeveloped to developed.
4. As time goes on, it seems that shoreland areas are used more and more intensely. Their importance to our general well being for recreation, gravel extraction, and water resources cannot be underestimated. If we do not regulate these areas in a reasonable manner now, we may lose our ability to manage them at all. We have been somewhat lax in enforcing those sections of our existing ordinance that pertain to this issue. We need to set fees for Conditional Use Permits and better enforce the shoreland provisions of our ordinance.
5. Considering recent experiences with zoning violations involving extreme non-cooperation, we recommend that the township develop explicit steps in the enforcement section of the zoning ordinance which spells out precise measures the township will take when prolonged violation of our ordinance occurs. We should emphasize our determination, as a last resort and with due process, to take measures to correct those problems at township expense by solving the problem in spite of the landowner's intransigence. We shall then bill the landowner for the costs of those measures, including but not limited to legal and other fees incurred. If the land owner refuses payment back to the town for over 30 days for those costs, then the town shall proceed under M.S. 366.011 and M.S. 366.012 to attach those costs, with interest as determined by Minnesota law, to the Pine County property tax rolls.
6. It is felt to be a duty of local government to take measures to facilitate a well informed citizenry, so in furtherance of this goal, and upon adoption of new zoning regulations, we should make a bulk mailing to all 450 parcel owners in order to "get out the word" about our

ordinance changes. Hopefully, such action would go a long way to nurture a spirit of cooperation in administering our zoning regulations, save township costs, and specifically it would be useful to inform people of the need for a sewer inspection when they sell their land. This mailing would also serve our need to develop a "septic tank database" by return mail, as well as inform citizens about our "nuisance regulations".

7. Inasmuch as we have provided for a road grader, a fire truck, and a trash collection truck to our benefit over the years, we might consider next, the acquisition of a roadside brush cutter, or mower, in order to continue our progress towards improvements in our roads. Visibility around corners will only become more important as the township grows. We could explore a possible cooperative effort with the county, and/or the electric company as a potential way to help achieve this goal.

AMENDMENTS 2005

Inasmuch as it has only been two years since the last time we amended our Comprehensive Plan, there are few situations which have come up which are significant enough to require new regulations. Looking back to the goals set forth in the 2002 amendments to the plan, we have accomplished the first six: 1) a good nuisance ordinance, 2) an improved Minnesota Rules 7080 sewer system regulations, 3) better building permit rules, 4) better shoreland management, 5) stronger enforcement of regulations overall, and 6) made a few mailings to all land owners of the township. Item 7 about a brush cutter for shoulders of township roads has not yet been realized, and is therefore still a goal.

The event which has opened the issue of looking at the plan again so soon is the Haverhill Township case (April 2004), which affects those townships such as Arna which have adopted regulations according to municipal powers under Minnesota Statutes 462, and the need to be "as or more restrictive" than county regulations. In particular, we need to address issues of easements as access for subdivisions, and minimum lot sizes in Zone A. These are two areas that seem to differ between Arna and Pine County regulations.

Probably the biggest change in the last two years is the degree to which zoning has grown. Until a few months ago, the Planning Commission only met a few months each year, but now there is enough activity to have a regularly scheduled meeting every month. Also, the number of various permits issued has grown dramatically (see Data Table 9). Twenty two percent of permits issued in the last 21 years have been issued in the last two years. Pine County zoning reports numbers throughout the county in basic agreement with these levels of activity.

A public hearing was held January 5, 2005, at the Arna Town Hall in order to obtain comments from the public about issues to be addressed in the next Comprehensive Plan. By far and away the main issue on almost everyone's mind was the rapid developmental changes occurring in Arna Township, especially in regard to subdividing land, rising property taxes, and the effect of this on people with limited incomes. In support of this view is the fact that assessments are going to be increased over 20% in the next property tax year. With the closing of the two St. Croix camps as an example, the employment picture in the area does not look good.

The problem of four wheelers invading people's privacy, land for deer hunting as related to safety and trespassing issues, and other such problems normally found in areas experiencing

rapid growth were also discussed. We note that County Road 25 going west of the town of Markville is now blacktopped, which is perceived as facilitating these kinds of problems.

At the hearing, the overwhelming majority of attendees supported a 20-acre minimum parcel size for subdivisions in Zones B and C (essentially combining these two zones into one zone). Opinions were split about evenly whether to accomplish this as literally a minimum parcel size (i.e., two 20 acre parcels per forty), or with a maximum lot density (e.g., two parcels per forty, but one could be smaller than 20 acres if the other is correspondingly larger than 20 acres). Residents and landowners voiced little support for platted developments, regardless of whether they are PUD's with "community space", or other development methods that are seen in other communities recently.

In studying the circumstances that the Haverhill Township case brought to the forefront, we have found the following information. First of all, the current version of the Pine County Subdivision and Platting Ordinance, Part 401-C (page 9) provides for easements, so we find no conflict over that issue.

In regard to lot size, the same Pine County regulations set a two and a half (2.5) acre minimum lot size. Recently, Beroun set a one-acre minimum in and/or near their municipal platted area, in coordination with Pine County administration of this size through the Pine County subdivision process. The explanation given by Pine County staff is that local zoning always "trumps" a county subdivision ordinance, regardless of whether it is more or less restrictive. Therefore, since Arna Township has zoning, Pine County advises that we are free to set a lot size smaller than 2.5 acres with no conflict of being "less restrictive" than the county.

Therefore, upon discussion of these issues, and having held a public hearing to take testimony from the public on such issues, we the Arna Planning Commission make the following general recommendations to the Arna Town Board in this second set of amendments to our Comprehensive Plan:

1. To change existing zones to Zone A for the same portion of Section 26 as currently in effect in the ordinance, and Zone B for the remainder of the township. A minimum lot size of one acre shall be set for both zones, as long as that acre can support an ISTS system, a dwelling site of at least 1000 square feet area of high ground, room for a water well, adequate access for ingress and egress, and other such provisions which make a lot practical and marketable. Zone B shall have a lot density two (2) parcels per forty acres as shown in the plat book for Pine County.
2. To allow for easements as access for subdivisions as previously provided in the Arna Subdivision Ordinance.
3. To collect information and provide regulations in the new ordinance, as appropriate, to manage possible Environmental Assessment Worksheets (aka Environmental Impact Statements) for projects which may come up in the future.
4. To incorporate the township Sludge Regulations into the main ordinance.

5. To make minor adjustments and fine-tune regulations where experience has shown further clarifications are necessary.

AMENDMENTS 2010

This third round of amendments to our Comprehensive Plan was prompted by several factors. First of all, the Minnesota Pollution Control Agency amended their Subsurface Sewage Treatment System (SSTS) rules in 2008, which mandated changes to all local ordinances. Secondly, our nuisance abatement program evolved into a controversial subject, as evidenced by the two special town meetings held in 2009. These meetings resulted in a resolution by the citizens of the township that called for a temporary suspension of the nuisance provisions for one year, while amendments are developed.

Parallel with these two meetings, public sentiment was expressed that our ordinance might be too big and complicated for a small township like Arna, and that maybe a solution would be to either adopt a simpler ordinance like in neighboring townships, or else consider what would result if we revoked our ordinance altogether and returned jurisdiction to Pine County. Because ordinance amendments are expensive due to publication, legal, and other such costs, the Arna Town Board directed that before ordinance changes are initiated, the Planning Agency make a clean sweep of all outstanding issues by first studying and amending our Comprehensive Plan.

A public hearing on the Comprehensive Plan was held on October 6, 2010. About a dozen people attended the meeting. No written comments about the Comprehensive Plan were submitted prior to the hearing. A review of land owned by the township identified the following uses: the town hall, the cemetery, the buildings where the road grader and fire truck are maintained, the Tozier Park recreational facility at the Hay Creek Flowage, and the unused land on the Enders Road that is currently up for sale. It was noted that due to persistent availability issues, land containing a gravel pit would be advantageous for the township to own. Perhaps a trade for the township land on the Enders Road could be explored.

A study of the Arna, New Dosey, and Pine County ordinances (see Table 2010.1) compared the six topic areas that Arna regulates: Zoning, SSTS, Conditional Uses, Nuisances, Subdivisions, and Shorelands. New Dosey's 17-page ordinance regulates Zoning and Conditional Uses fully, and Subdivisions minimally, but does not regulate SSTSs, Nuisances, and Shorelands. Pine County's ordinances total 137 pages for SSTSs, Subdivisions, and Shorelands, but do not cover Zoning, Conditional Uses, and Nuisances.

Prevailing sentiment was expressed that the main disadvantage of New Dosey's model is that they do not regulate shorelands, resulting in a split jurisdiction with the county over building, sewer, and conditional use permits. It was unanimously felt that our township should retain all existing powers, except for Nuisances, where it was felt that our Zone A and Zone B demarcations for zoning and subdividing might be a guide to amending Section 3.12 (nuisances) so that it applies in Zone A only. This position is supported by similar testimony received for the 2002 amendments to our plan. It was also offered that

a study of Minnesota Statute 168B should be investigated as a possible alternative to the junk and abandoned vehicles portions of Section 3.12.

In recent months, the Pine County Commissioners approved a new Soil & Water Conservation Management Plan. The main recommendation of this plan was to seek the identification of additional floodplain areas within the county, which is not a particularly relevant issue for Arna Township, but be that as it may, it was determined that our Comprehensive Plan and existing SSTS rules are in full compliance with the broad goals of this new management plan. The township is not aware of any other new comprehensive plans being developed by neighboring jurisdictions. Those in attendance at the hearing expressed no additional concerns than those described here.

In summary then, the main areas to focus on for amending our ordinance are:

- 1) Arna Township should retain the basic framework of their zoning ordinances.
- 2) The new Mn. PCA rules for septic systems should be adopted.
- 3) The nuisance regulations should concentrate mostly on Zone A.
- 4) An investigation of Minnesota Statute 168B should be conducted.
- 5) The township should be on the lookout to purchase land with a gravel pit on it.

AMENDMENTS 2021

A public hearing on both the Comprehensive Plan and proposed changes to our zoning ordinance was held on May 3, 2021 at the Town Hall. About 16 people attended the meeting, which was a good turnout considering recent years. No written comments about either the Comprehensive Plan or proposed zoning changes were submitted prior to the hearing.

About a year or so ago Pine County finally adopted county-wide zoning regulations, a plan under which individual townships can opt-in or opt-out, as decided by each township. Finally seeing the basic structure and the details of the regulations as put forward by County government, that now makes it more apparent than ever what an effective and more appropriate ordinance our own ordinance is for this township. A few examples are our stronger enforcement of public waters regulations in our Shoreland ordinance, as well as the custom-fit regulations that can be found in both our SSTS ordinance and Subdivision ordinance. Also, the county still has no nuisance/blight ordinance.

Discussion of existing problems within the township that were raised at the public hearing involved one topic that comes up every time this kind of discussion is had. Looking backward for a moment, here is a reminder from the 2005 amendment section on Page 13:

The problem of four wheelers invading people's privacy, land for deer hunting as related to safety and trespassing issues, and other such problems normally found in areas experiencing rapid growth were also discussed.

And previously from that, in the 2002 amendment section on Page 8:

The old Soo Line Railroad bed was cleared of rails and ties, and turned into the Gandy Dancer Trail (sic snowmobile & ATV trail) by the DNR. This trail has been part of the

explosion in popularity of four-wheelers from Danbury to Belden, as well as more weekend recreational use at Rock Lake in Ogema Township.

Evidence for the proliferation of this concern can be easily found. In Danbury, a local business is known to rent 1,200 inner tubes twice a day each on a good Saturday for tubing on the St Croix River, plus over 100 canoes. At the local grocery store there, it can take up to ½ hour to exit the parking lot due to excessive traffic. An ATV rental business opened recently in Danbury. New campgrounds have recently been opened in neighboring communities, with at least seven in close proximity today, and still others being planned.

CAMPGROUNDS IN THE IMMEDIATE NEIGHBORHOOD

Williamson Campground	Wilma Township	166 sites
Tozier Park	Arna Township	5 sites
DNR Rock Lake area	Ogema Township	78 sites
St Croix River Resort	Ogema Townshp	209 sites
Zupfer Campground	Ogema Township	20 sites
Gulden Campground	Danbury, Wisc	45 sites
Pardun Campground	Danbury, Wisc	<u>50 sites</u>
		TOTAL = 573 sites

CAMPGROUNDS UP TO 20 MINUTES AWAY OR IN THE PLANNING STAGE

Pathfinder Village	Clover Township	1,280 sites
St Croix State Park, Hwy 48	Clover Township	217 sites (+78 @ Rock Lake above)
Radigan Dam	Dairyland, Wisc	10 sites
(planning only)	Arna Township	<u>290 sites</u>
		TOTAL = 1,797 sites
		TOTAL of BOTH = 2,370 sites

From the Trails office for the Mn DNR in Moose Lake, there are 4,633 ATV owners that live in Pine County, and of the ATV sales throughout Minnesota, 5,650 have indicated that of the 87 counties in Minnesota, they plan to use their ATV most often in Pine County.

Back on Page 3 it was documented that 40% of Arna Township is non-property tax bearing public land. New Dosey Township to the north is a triple-township, with similar demographics. In addition to both the St Croix and Nemadji State Forests on the Minnesota side of the border, both Douglas and Burnett Counties in Wisconsin have very large tracts of forest and scrub brush County land (plus the St Croix River National Park system). Four wheeler trails penetrate all of these natural public resources on both sides, and though not implemented under one coordinated plan, these disparate areas collectively act as one huge interconnected recreational area. For example, the ATV trails at Boulder Campground in the St Croix Forest deliberately connect to the Gandy Dancer Trail as well as the State Munger Trail. Other trails interconnect between local bars, originally to promote snowmobiling, but are now used by four wheelers in summer. One “riding club” activity is to “play poker” by visiting five bars, getting one playing card at each bar. Pine County allows four wheelers to use public roads.

Surely, not all of the 2,300 area campsites documented above involve ATV usage, but of those that do, the number of ATVs per site is likely more than one. Also the Mn DNR has at least three separate ATV parking lots (“staging areas” for daytime use only) in the St Croix State

Forest alone (Co Rd 173) that interconnect to the wider “trail system.” At the ATV parking lot in Danbury, the old Soo Line trail going south is limited to non-motorized use, which sends all Danbury ATV traffic north to Arna Township. The point is, there is a considerable ATV presence that would not be known by studying camping patterns only.

Collectively, these circumstances have led to such negative public sentiment that neighboring Burnett County, Wisconsin has recently implemented a moratorium on Conditional Use permits for campgrounds. To coin a term, one might call the problem, “The spring break effect.” It is well known what has resulted in the Apple River area of Wisconsin due to the popularity of tubing on the river, the frequent over-use of alcohol, fireworks late at night, trash like empty beer cans left along rivers and roads, general noise from parties at night in a residential neighborhood, as well as simply the sheer numbers of people involved. It is as if everyone wanting to get back to nature has become an act of loving nature to death by inadvertent strangulation.

Locally in Arna Township, literally everyone has a negative anecdote about how, especially in the last few years, noise, traffic, ATV use at excessive speeds on both county and township roads, kids doing “donuts” spraying gravel and damaging township dirt roads, ambulance calls for injuries, trespassing issues, and other examples like alcohol usage, has increased dramatically. In regard to township government using every tool available to address these problems, a “straw vote” at our public hearing was a unanimous vote on this topic. Unanimous votes are rare.

This raises the question of just what can township government actually do to address this issue? To coin another phrase, the residents of Arna overwhelmingly want the township to promote “a quiet, relaxing rural lifestyle.” At least in theory, it seems there might be three distinct “township powers” that immediately come to mind on how to accomplish this objective by using any available statutes to address: 1) the subdivision of land, 2) nuisance regulations, and 3) zoning permit policies.

1) The subdivision of land:

The very reason Arna Township adopted zoning in the first place was because back in 1983 when this Comprehensive Plan was first written, the impetus was to regulate platted developments that were regulated at that time by Pine County. A plat in Arna that the county was considering consisted of 57 lots, which then became 26 lots after Arna’s regulations went into effect. Despite the trend for plats that have been seen in neighboring communities, there have been no platted subdivisions in Arna in almost 40 years.

For unplatted subdivisions, Arna’s regulations are to allow one division of 20 acres. In 1983 Arna had 402 parcels, in 2002 there were 450 parcels (26 of that 48 from the plat), and in 2021 there are 472 parcels. This policy has resulted in a consistent growth at about 11 new parcels per decade for four decades.

Considering the issue of “noise and too many people”, it is difficult to imagine some better way to address the problem through property subdivision policy than this, and yet it perhaps

could also be argued that this very policy has made Arna Township more attractive to recreational use.

2) Nuisance regulations:

Arna has attempted at least four different versions of a nuisance ordinance over the past 20 years. These kinds of problems have been as they say, a hard nut to crack. Experience has shown that by far, the most prevalent problem to be addressed by a nuisance ordinance is that of junky looking yards, followed second by the issue of severely deteriorated structures.

However, historically and by relative comparison, issues of excessive noise have existed far more frequently in Zone A (the townsite area) than Zone B (the more rural areas), but again, in recent years, that trend is definitely reversing. From Arna's 2015 ordinance, the reality of "the frequency of the noise" is recognized, that being that when deciding issues for township government to formally take on, one should realize that public complaints often arise due to random events, such as barking dogs, occasional loud parties, excessive gun noise from prolonged target practice, ATV traffic, and other such examples. It is only when the noise is in fact repetitive and persistent that it becomes an appropriate candidate for significant noise abatement measures.

Such is the current state of affairs, as evidenced by the recent public hearing. However, the ability to address this issue by means of a nuisance ordinance seems dubious when considering the township would be trying to regulate a pre-existing State (DNR) trail.

3) Zoning policies:

The original reason Arna Township adopted zoning regulations, other than to control the subdivision of land, was to try to solve the problem of ugly tarpaper shacks, and the use of old school buses and RV's as permanent structures for surrogate hunting cabins. Those issues have largely been solved.

Next in importance were Shoreland regulations and SSTS regulations, both of which have also been dealt with satisfactorily, as expressed at the beginning of this section. So basically, in regard to zoning, that leaves the powers of Conditional Use permits left to discuss. Arna has had three CUP hearings (all granted) in 40 years, two in 2005, and one in 2007. Two of these expired through abandonment, and the other having evolved into very minor usage over the years.

The CUP section of our zoning ordinance has not been updated in over 30 years, and in the meanwhile, legislative changes have introduced new concepts such as Interim Use permits that need to be brought into play by amending the existing regulations. In addition, it seems that subdivision powers and nuisance powers have little relevance to the specific issue at hand (i.e, to promote "a quiet, relaxing rural lifestyle").

Therefore, as a means to achieve these goals, it is in the best interest of the people of Arna Township that the Arna Planning Commission recommends the following changes to our existing zoning ordinance:

- To clarify and enhance the residential density limits of our ordinance from merely SSTS considerations, to limiting single-family dwellings to two (2) per parcel, with more allowed only by CUP.
- To require all multi-family dwellings to be allowed by CUP only.
- To limit or prohibit systems of multiple dwellings such as PUDs, hotels, motels, campgrounds, lodging, resorts, mobile home parks, and manufactured home parks.
- To broaden the scope of Interim Uses from strictly short-term temporary activities, to the wider perspective prevalent throughout Minnesota.
- To clarify the regulations for all uses in each zoning district by expressly listing Permitted Uses, Conditional Uses, Interim Uses, and Prohibited Uses.
- To “modernize” the zoning ordinance by regulating new uses such as Vacation Home Rentals (AirBnB) that have come into existence since the last time the zoning ordinance was amended.
- To amend Section 8, Enforcement, to align it with the same framework as that in our recently adopted Nuisance Ordinance.
- To incorporate the newly mandated MPCA Rules 7090.0080 to control Storm Water Runoff levels when issuing any CUP or IUP permits.
- To incorporate the newly mandated MPCA Rules 7030.0030 to control noise pollution levels when issuing any CUP or IUP permits.
- To reduce noise not only generally, but also specifically, by:
 - 1) prohibiting noise producing light commercial uses like sawmills in Zone A
 - 2) favoring light commercial use over heavy commercial use everywhere
 - 3) prohibiting industrial uses
 - 4) limiting recreational uses to more “passive” uses such tennis courts instead of noisy uses such as motocross

CENSUS DATA

1910	102
1920	349
1930	327
1940	303
1950	190
1960	109
1970	93
1980	86
1990	85
2000	86
2010	90 (estimate – 2010 data not available yet)

1983 - 84 people, 35 families, 17 families retired, 18 families working age, 24 persons retired, 22 persons school age, 38 persons working age

2000 - 86 people, 48 male, 38 female, 56 employed (41 drive to work alone, 6 car pool, 7 work at home, 2 other), (39 private wage, 5 gov't wage, 10 self-employed, 2 unpaid family worker), 9 in school, 50 married, \$30,875 median household income

LAND SALES – this data does not include the sales of atypical lots because such sales tend to skew the results (i.e., small lots within the Townsite, as well as very rare transfers of especially large tracts of land).

<u>YEAR</u>	<u># OF SALES</u>	<u>TOT. ACRES</u>	<u>AVE. ACRE/PARCEL</u>
1977	9	815	90
1978	12	834	70
1979	18	925	51
1980	17	1039	61
1981	24	503	21
1982	11	388	35
2004	14	280	20
2005	26	?	
2006	16	?	
2009	10	454	45
2010	8	346	43

Adopted by resolution of the Arna Town Board:

On the _____ day of _____, _____

BY: TOWN BOARD CHAIRMAN: _____

TOWN BOARD CLERK: _____

(TOWNSHIP SEAL)

Notice of Public Hearing: _____

Date of Public Hearing: _____

Adopted by Planning Commission: _____