



CHENGWATANA TOWNSHIP

COMPREHENSIVE PLAN

FINAL DRAFT – 08-02-23

Credits and Acknowledgements

The Chengwatana Comprehensive Plan was developed as a part of a process initiated by the Chengwatana Township Board in 2022. The Board, serving as the Township's newly established Planning Commission, included the following members:

Supervisor Matthew Merrick, Chair

Supervisor Chris Miller, Vice Chair/Planning Commission Chair

Supervisor Les Bloom, Fire Committee Rep/Road Maintenance Rep

Township Officers included:

Clerk, Katy Overtoom

Treasurer, Joy Berens

More than 100 residents of the Township participated in an open survey of land use questions, policy choices, and issues, many more of which attended a series of public meetings and hearings to participate in the Township's decision-making and land use directions over a period between September, 2022 and May, 2023.

The Comprehensive Plan was created and adopted under the authority of the State of Minnesota, Minnesota Statutes Chapter 462, and related legislation.

Direction and resources include a variety of surrounding jurisdictions' land use management documents and personnel, the Minnesota Department of Natural Resources, the Cross Lake Area Water and Sanitary Sewer District, Pine County, and others. The process and document were created and developed in collaboration with the Township's consultant, Northwest Associated Consultants, Inc., Stephen Grittman, Principal. The Township retains sole authority for the products and content of the Comprehensive Plan.

Table of Contents

INTRODUCTION	4
REGIONAL CONTEXT	5
PINE COUNTY RELATIONSHIPS.....	6
PROCESS.....	7
COMMUNITY VISION.....	9
EXISTING CONDITIONS AND COMMUNITY INVENTORY	10
GOALS and POLICIES	16
LAND USE PLAN RECOMMENDATIONS.....	23
RESIDENTIAL USES.....	25
AGRICULTURAL USES.....	27
SHORELAND USES.....	28
COMMERCIAL USES.....	30
CONSERVANCY USES	33
IMPLEMENTATION	34
Zoning Regulations.....	35
Findings of Fact	36
Building Codes.....	36
Road Construction Specifications.....	36
Pine County Land Use Authority.	37

INTRODUCTION

The Township of Chengwatana has identified the preservation of its rural character, natural environment, and agricultural lands as the most important growth management issue. The Township's Comprehensive Plan is intended to reflect this overriding mission and provide direction consistent with its intent.

This Comprehensive Plan is designed to perpetuate the goals of the Township of Chengwatana as a permanently rural environment consistent with the long-standing pattern of use. The objective of the plan is to preserve and enhance these unique characteristics through a development policy that respects this rural character. Although economic ties of residents remain linked to the larger region, the Township endeavors to maintain reasonable development policies that allow private property owners to make productive use of their land, while protecting the Township's rural character.

Due to the Township's proximity to a variety of attractive natural features, it has experienced increased growth pressures. The pace of new development interest will be dictated by the health of the economy in the next 20 years. By adhering to the principles of this Comprehensive Plan, the Township of Chengwatana expects to design regulations for development in a way that will preserve its rural character, sustain its natural resources, and protect the land for both current owners and future generations.



Existing uses in the Township range from relatively small shoreland residential lots to 40-acre residential uses, private recreational lands, and a significant supply of long-term agriculture. Most notably, environmental preservation factors play a large role in the Town, with nearly half of the Township within the Chengwatana State Forest, a state Department of Natural Resources

owned or managed resource. This is complemented with large areas of shoreland along the north shoreline of the Snake River and the east shore of Cross Lake.

With an overarching vision of preserving and enhancing the existing land use patterns, goals and policies are established by the community which provide direction for land use management. Goals are general statements that reflect the community's values. Policies are more specific, official positions of the Town, often dealing with specific categories of issues, that will serve to guide planning decisions and implementation strategies. Goals and policies together are incorporated into each plan element of this document.

REGIONAL CONTEXT

Chengwatana Township lies generally between Pine City and the St. Croix River, in southeast Pine County, itself a County in east-central Minnesota. The boundaries of the Township are defined largely by water, with the St. Croix National Scenic Riverway forming the east boundary with Wisconsin, the Snake River forming the south boundary with Pine City Township, Cross Lake forming much of the west boundary with Pokegama Township (and the City of Pine City). The north boundary is shared with Munch Township, Beroun Crossing forming the border.



Because the Cross Lake shoreland area is served by the regional Cross Lake Area Water and Sanitary Sewer District, there is little concern over municipal annexation, or other external limits on development in most areas of the Town. As discussed elsewhere in this chapter, the east half of the Township is contained within the Chengwatana State Forest, managed by the DNR. With no development occurring in that area to the St. Croix, land use impacts and development planning concepts are limited to the westerly portion of the Township.



PINE COUNTY RELATIONSHIPS

Chengwatana Township has chosen to explore the option to undertake its own land use management, having chosen to not opt in to Pine County's adoption of a Comprehensive Plan in 2017, and formal land use regulations in 2020. At that time, the County initiated a process for jurisdictions in the County to include themselves in the County's planning efforts. Chengwatana passed, and has remained without land use controls since that time. The exception has been the County's regulation of Shoreland and Floodplain areas, land use regulations required by the Minnesota DNR and Federal Emergency Management Agency (FEMA), respectively.

This Comprehensive Plan, and any subsequent land use regulations, are intended to address land use throughout the Township, and supplant County jurisdiction in the Shoreland and Floodplain areas. Continued cooperation with the County in these areas will be a factor in consistent management to meet the required intent and goals of the State and Federal requirements.

Because the County maintains a network of County Highways in the Township (and often can have input on access management and other development impacts), land use management will require County coordination. Moreover, land use subdivision recording and certain emergency services require integration with certain aspects of County administration. As such, while the Township will have the primary responsibility for land use management, interaction with County departments will continue.

For Chengwatana, the Plan anticipates that the County will temporarily continue to manage land use in the Shoreland areas of the Town, both for consistency with overall patterns, but also



to limit the Township's staffing needs, as Shoreland (and Floodplain) land use regulation is a more complex administrative environment. The Township expects to retain authority over road construction and maintenance, building permitting, and land use/zoning authority over non-shoreland areas of the Town.

The County currently has authority for Subdivision review and approval. Chengwatana, at this time, does not anticipate any change in this pattern; however, it will be vital that the County and Township work together to ensure that proposed subdivision of land incorporates the adopted Township zoning regulations for lot size.

PROCESS

In considering options for land use management in Chengwatana, Township officials heard citizens express a desire to develop a more localized process for land use review and regulation, concerned that longer term issues may develop when County government was responsible for the decision making, but for which local property owners had limited influence.

In response, the Township initiated a process to develop its own land use regulations, including this Comprehensive Plan and a Zoning Ordinance. A land use moratorium ordinance was passed in April of 2022, for a 12 month period to study the potential for the adoption of these new documents. This moratorium was extended for an additional year.

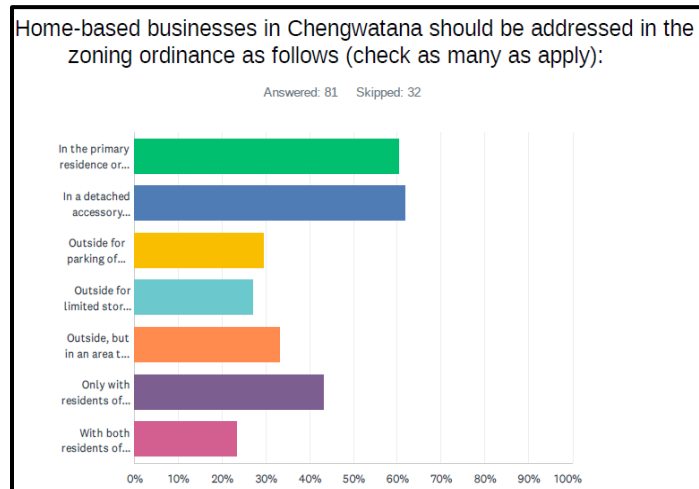
Beginning in the fall of 2022, meetings with the Township Board, sometimes sitting as the newly formed Planning Commission, began to direct the process and discuss the approach to Township land use management. As a part of that process, an online survey was created to

provide an ongoing input opportunity for community members on land use issues, ideas about lot sizes, and various common concerns that might be studied.

Public meetings were held during late fall and winter to present ideas, collect feedback and ideas, and test concepts that the Plan and Zoning Ordinance might include. Support for the project varied, based on competing interests of concerns over County regulation without local influence, and any zoning regulations that would interfere with private property uses.

A summary of the Survey results and comments is included in the body of this Plan, and the full results, including extensive comments, have been assembled as an appendix for public review.

As with any online survey, it is important to remember that the results do not represent a scientific sampling of opinion. They are, instead, a good measure of the range of thoughts on land use planning in Chengwatana, valuable for the issues they raise and the thought processes behind the responses. Ultimately, the Township will decide if and how to adopt its land use regulations incorporating the discussions raised by this process, with the survey comments helping to serve as a guide to the topics of interest.



COMMUNITY VISION

The Comprehensive Plan of the Township of Chengwatana has been prepared to accurately reflect the values and needs of the community, including the desire of residents to preserve a rural community that supports agricultural endeavors and remains non-commercial. In addition, non-farm rural lifestyles that retain extensive areas of open space and undeveloped land are encouraged as a way of preserving this rural character.



Vision is a description of what the Township seeks to be and become. The Vision lays out the kind of place Chengwatana plans to be – or preserve – as growth and change come to the community.

The Township's Vision is broad in scope and protective of its heritage that is clearly valued by its citizens, while recognizing ongoing changes in the economic, cultural, and social environment.

Also a significant factor, property owners place a high value on the ability of owners to use their land with a little disruption from the Township as reasonable.



The boundary between individual property rights, and limiting impacts to neighbor's enjoyment of their property, is a balancing act of any land use planning program. This will continue to be a key aspect of how the Township sets up and implements its planning documents.

The following are a general collection of statements that describe the community vision, representative of the values that are important to residents of the Township of Chengwatana as a whole.

- Protect the Township's natural environment.
- Retain the rural character of the Township.
- Work to preserve property owner's rights, and observe responsibilities to neighbors.
- Preserve and promote agricultural endeavors.
- Operate the Township in a fiscally responsible manner, keeping taxes low while providing services at an efficient, but rural, level.
- By following these goals, preserve the quality of life in the Township.

These components of the Township Vision, the Goals and Policies that support them, and the strategic priorities that implement these goals will be further expanded in the following chapters of this document.

EXISTING CONDITIONS AND COMMUNITY INVENTORY

- a. Land and Existing Land Usage
- b. Demographic Highlights
- c. Environmental Conditions
- d. Community Facilities
- e. Community Survey Summary

In a Comprehensive Plan, the goals of the community show us where we are heading. The Plan is the bridge from existing conditions to the Goals. Thus, establishing the starting point is a fundamental component of the process. The starting point includes demographic information – the who; physical inventory describes the where and the what.

A part of the inventory discussion includes the results of the community survey that was undertaken throughout the planning process. As noted in the survey's description – and repeated when survey responses were discussed, the intent of the survey process was to elicit issues, interests, and values that drive the Township's planning direction. The survey was a voluntary response process, and does not represent scientific predictions of Township opinions.

Demographic Background. The material on the following pages was collected from a variety of public data sources, most prominently, the American Community Survey, a component of the U.S. Census Bureau. The data illustrate Chengwatana's demographic makeup in several categories, including population, age, wealth, income, education, housing, and business relationships.

The data is displayed for each of three jurisdictions: (1) Chengwatana Township, (2) Pine County, (3) State of Minnesota. The data helps the Township understand who its residents are, and over time, understand how the land use decisions made within the Township impact the changes in demographic data.

As noted in this document, the Township has a strong interest in maintaining its predominant characteristics, including rural agriculture and a very low density residential land use pattern. As populations age, or as the Township adds new residents under its land use management and zoning, those characteristics will change. Demographic data in this document creates a baseline for observing, and if needed, for responding to those changes.

CHENGWATANA



886 **-1.52%**
Population Total Population Growth

46.4 **\$265,238**
Median Age Median Net Worth

PINE COUNTY



28,547 **-0.51%**
Population Total Population Growth

44.0 **\$170,183**
Median Age Median Net Worth

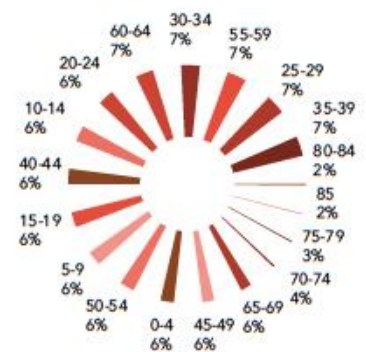
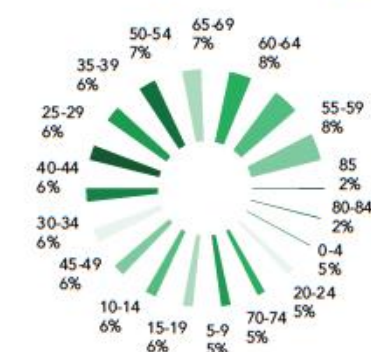
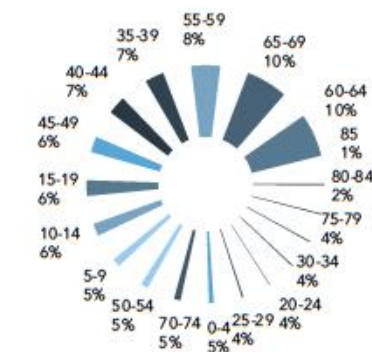
MINNESOTA



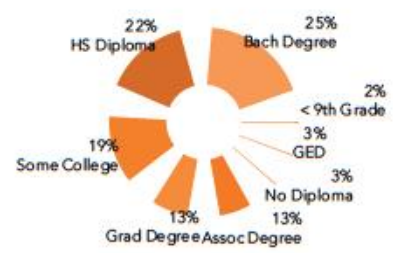
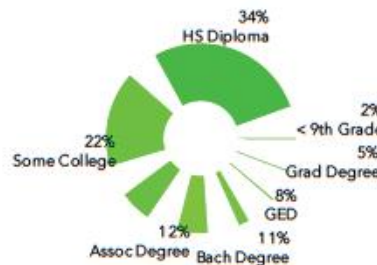
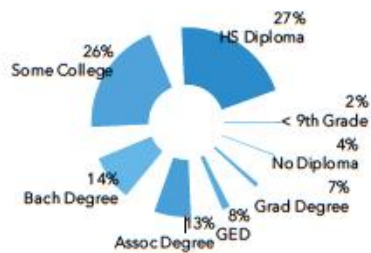
5,780,843 **0.58%**
Population Total Population Growth

39.1 **\$218,417**
Median Age Median Net Worth

2022 Population Age



Educational Attainment



Sources: Esri, U.S. Census, ACS, Esri-Data Axle. Esri forecasts for 2022, 2027, 2050, 2017-2021.

CHENGWATANA

\$210,169

Median
Home
Value

\$72,501

Median
HH
Income

359
2020 Total
Households

2.55
2020
Average
Household
Size

PINE COUNTY

\$201,681

Median
Home
Value

\$58,111

Median
HH
Income

11,442
2020 Total
Households

2.39
2020
Average
Household
Size

MINNESOTA

\$291,906

Median
Home
Value

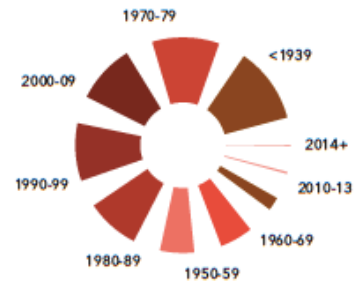
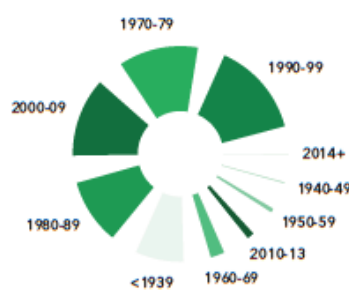
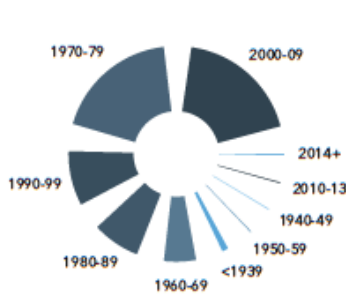
\$81,851

Median
HH
Income

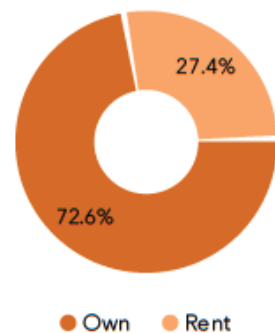
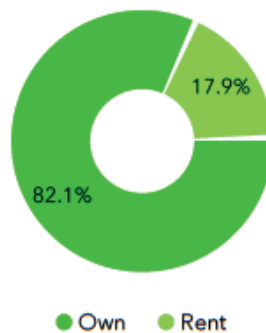
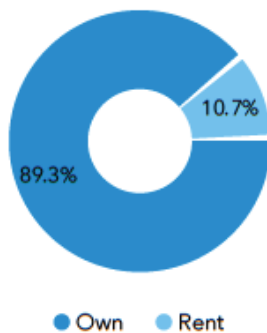
2,253,990
2020 Total
Households

2.47
2020
Average
Household
Size

Housing Year Built



Home Ownership

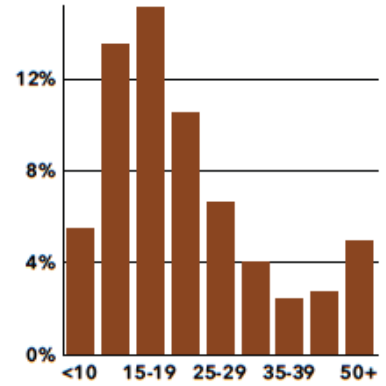
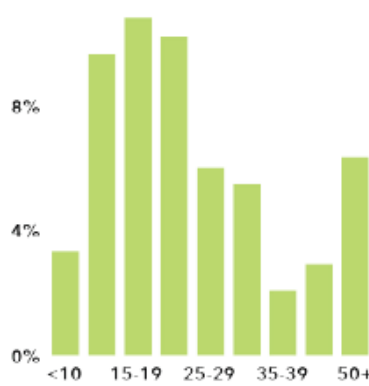
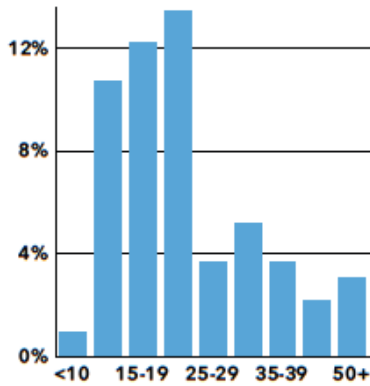


CHENGWATANA

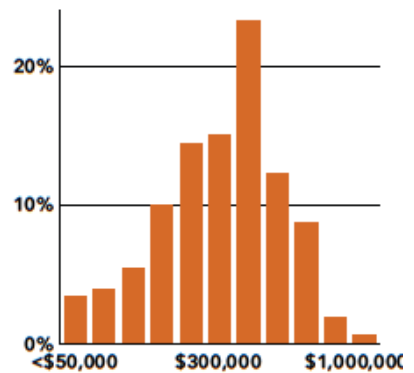
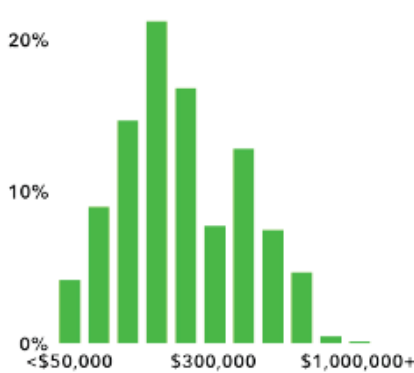
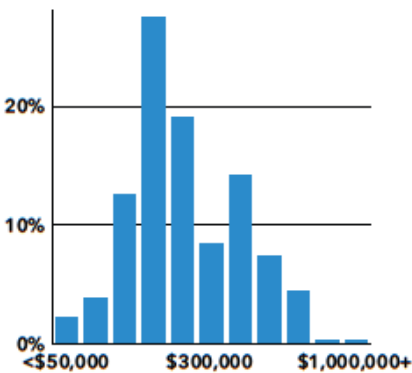
PINE COUNTY

MINNESOTA

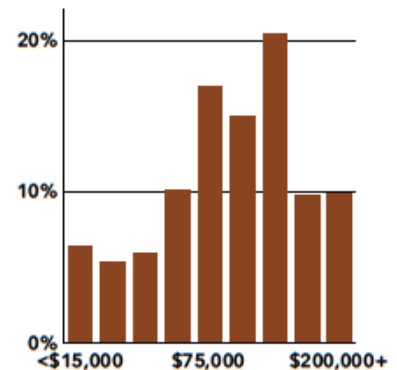
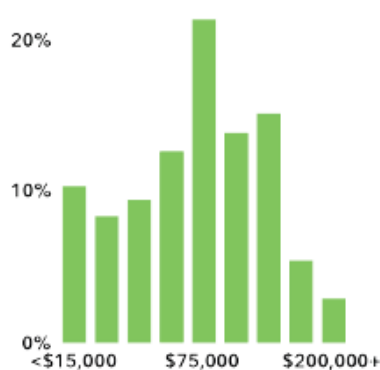
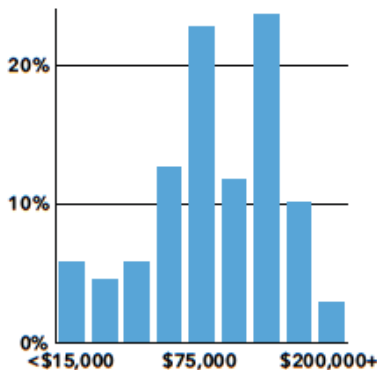
Mortgage as Percent of Salary



Home Value



Household Income



CHENGWATANA

PINE COUNTY

MINNESOTA

BUSINESS DEMOGRAPHIC



13.7%
Services



20.7%
Services



14.0%
Services



33.6%
Blue Collar



33.0%
Blue Collar



21.8%
Blue Collar



53.0%
White Collar



46.3%
White Collar



64.2%
White Collar



17
Total Businesses



922
Total Businesses



212,795
Total Businesses



87
Total Employees



10,863
Total Employees



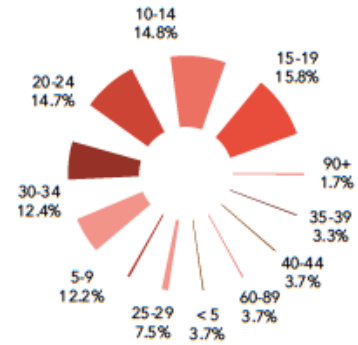
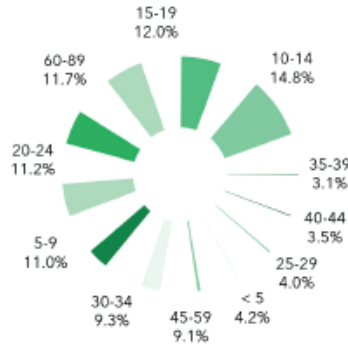
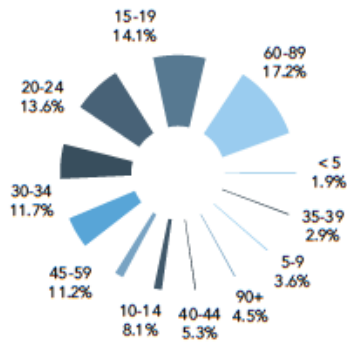
3,149,627
Total Employees

CHENGWATANA

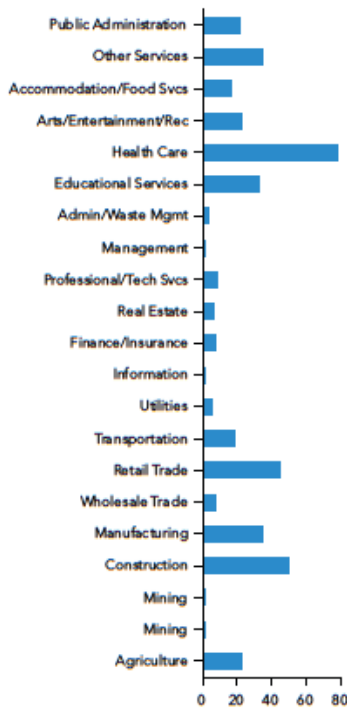
PINE COUNTY

MINNESOTA

Commute Time: Minutes



Employees Per Industry



GOALS and POLICIES

- a. **Major Goals**
- b. **Policy Directions**

MAJOR GOALS

Major Goals are intended to describe the Township's expectations for long term land use management, and incorporate the values of the Township that outline the reasons its residents live and work in Chengwatana.

Goals create an expression of the Vision, and address various aspects of community life and land use. The Goal statements themselves are derived from issues identified in the background study of the community, whether that be survey response, direct public engagement (both prior to and during the Comprehensive Plan process), and analysis of the community's resources, demographics, and existing conditions.



Policies build on the various Goal statements by filling in with ways the Township may react to land use challenges as they arise. They are designed to establish a consistent way of looking at problems, and set a baseline of review when property owners seek new uses or specific land use permits. Adherence to the Policies helps the Township apply its land use management in a consistent manner over the long term, and through generations of Township leadership.

In many respects, the Goal statements below are preservationist in nature. The citizens of the Township live in the area for a specific lifestyle – preserving that lifestyle is the highest responsibility of Township government and its land use regulation.

A companion value is the strong interest in minimizing regulation of personal property rights. Residents value the ability to live their lives on their property with only the least amount of outside interference. There is a robust recognition of the need to respect neighboring property rights as a component of this ethic. The possibility of infringing a neighbor's enjoyment of his or her property is always the issue when exercising one's own rights, and vice versa.

These two values are held in tension with one another. There is a general understanding that some level of land use management is necessary to avoid degrading the existing rural lifestyle that residents treasure. And there is an equal understanding that the government's management can easily overstep.

The challenge in this Plan is to balance the interest in private property with the erosion of those interests by both under- and over-regulation. In the Goals Statements below, and in their companion Policy Directions statements, this Plan seeks to make that balance. It is inevitable that some will find the eventual land use regulations to heavy on one hand, and too light on others. Finding the appropriate intersection of the two will be key to meeting the overall goals of rural lifestyle preservation and protection of individual property rights.

Goal Statement 1. Allow as broad a range property rights as possible without negatively impacting the neighbor beyond normal residential impacts.

Policy Directions.

- A. Land Use regulations need to be crafted to address only those issues that address reasonably well-defined concerns.
- B. The Township will take pains to avoid regulating where no issue is likely to exist – that is, the default position will be no regulation.
- C. Distinctions to be made between the rights of one versus those of another will be based on clearly defined criteria, such as Shoreland v. Non-shoreland; or public v. private sanitary sewer provision.

Goal Statement 2. Land uses in the Township to be primarily agricultural and residential.

Policy Directions.

- A. The nature of the existing land use pattern is agricultural, with varying rural residential densities, dependent upon location.
- B. New residential development shall be undertaken with a specific objective of retaining the rural character of the community.
- C. Development that is viewed as non-rural, too dense, or incompatible with rural lifestyles, is not a valid land use consideration in Chengwatana.
- D. Residential densities may vary as they are located within, or outside of, areas served by public sanitary sewer, but still retain a rural residential character.

Goal Statement 3. Business uses may be allowed, but designed to be primarily an extension of home-based business, only minimally as free-standing business operations.

Policy Directions.

- A. Freestanding businesses are, in most cases, not consistent with the rural land use pattern.
- B. Where freestanding businesses are to be considered, special permitting is necessary, and only in areas where such uses can reasonably expect to be consistent with the rural character.

- C. Business uses shall primarily be extensions of residential uses in which a resident of the property operates the business use, and outside employment is merely an ancillary and minimal consideration.

Goal Statement 4. The majority of non-residential uses on residential properties should be located within a building to ensure compatibility with neighboring residential areas.

Policy Directions.

- A. To retain the rural residential pattern, non-residential uses (such as home-based businesses should be located within the principal residents or approved accessory buildings on the property.
- B. Visual impacts of non-residential use should be primarily vehicles that are utilized by the resident.
- C. Buildings supporting non-residential use should reflect rural character, including agricultural buildings or the principal residence.

Goal Statement 5. Free-standing business uses, if and where allowed, shall be served by existing major roads (primarily County), and with extraordinary buffering and separation from residential neighbors.

Policy Directions.

- A. A feature of free-standing business use will be the reliance on major paved roadways for traffic and access.
- B. To ensure minimal impacts from business uses on neighboring property, such businesses should expect to buffer, separate, and screen activities that can have negative consequences for residential property, including lights, traffic, parking lots, outdoor activities and noise, etc.
- C. Larger lot sizes and setbacks shall be required for business uses to accomplish the buffering requirements.

Goal Statement 6. Specific locations for free-standing business growth shall be identified as a function of zoning processes – primarily conditional use permits and/or interim use permits.

Policy Directions.

- A. Consideration of special permitting for business property shall take into account the ability to maintain separation and buffering.
- B. When future residential growth in the neighborhood is anticipated, business uses shall account for that by providing buffering and separation as if such residential development was present at the time of application.

- C. Each new business entity shall require a separate zoning amendment to establish it as an allowed conditional or interim use in the Township, along with the appropriate regulations to ensure compatibility with the neighborhood in which it is located.

Goal Statement 7. Agriculture shall be protected and supported, but such lands may be converted to residential as desired by the property owner, per required zoning and subdivision limitations.

Policy Directions.

- A. The dominant land use in the Town, and the one that defines rural, is the current and ongoing practice of commercial agriculture.
- B. Such use, as a policy of the Town, is protected from intrusion by general regulations that exceed those of the State of Minnesota for farming.
- C. Agricultural uses and impacts on nearby existing or newly encroaching residential uses are a fundamentally protected impact, and no regulation is expected that will curtail agricultural operations, despite those impacts.
- D. Residential uses take notice of the existence of agricultural land and activities, and will hold no prominence when traditional agriculture is conducted according to State law, irrespective of the nature of the impact.

Goal Statement 8. Agricultural uses shall be those traditionally appropriate and agricultural in nature, including crop and animal farming, farmstand sales of produce grown on-site, and limited processing of agricultural produce for wholesale transport to off-site processors or retailers.

Policy Directions.

- A. Agriculture is deemed to include a wide range of activities, some or all of which may be conducted on any particular agricultural property.
- B. Such uses may fluctuate on any one property over time, and all are considered to be valid uses, whether or not such specific use was present in years prior.
- C. Only if crop or livestock production becomes an insignificant activity in support of a larger dominant processing use will Township regulation be considered as a remedy for land use considerations.

Goal Statement 9. Non-agricultural uses – such as event centers, rural recreation, vineyards or orchards with visitor centers, and other uses incorporating business activities, are not considered traditional agriculture, and are intended to be allowed, if at all, only under CUP or IUP requirements applying to business activities.

Policy Directions.

- A. The agricultural protections afforded by this Plan apply to traditional agricultural operations.
- B. Other, non-agricultural activities do not enjoy the protections of these policies, and shall be considered as free-standing business activities, whether or not they are a part of a companion farming land use.

Goal Statement 10. General residential densities shall be limited to 1 dwelling unit/5 acres, with higher densities allowed near shoreland with public sanitary sewer, accommodating appropriate shoreland protection and continued “rural” densities – 1du/2.5 acres.

Policy Directions.

- A. Rural lot sizes of 2 acres may be considered in publicly sewered areas if deemed reasonable and consistent with nearby current and future land use patterns.
- B. Platted lot sizes of 2.5 acres without publicly sewered areas may be considered if deemed reasonable and consistent with nearby current and future land use patterns.
- C. To maintain rural land use patterns, residential development shall be limited to unplatted parcels of no less than 5 acres in areas where no public sanitary sewer is available.
- D. Shoreland areas shall be preserved exclusively for rural residential and agricultural uses. Freestanding businesses in such areas shall be considered incompatible with such densities.

Goal Statement 11. Regulations should create adequate spacing between residential units to minimize likelihood of negative impacts from neighboring uses.

Policy Directions.

- A. In concert with increase lot areas, setback requirements that maximize spacing between residences is expected to accomplish the following, in addition to other objectives:
 - i. Preserve separation between uses.
 - ii. Preserve expansive views of rural uses and countryside.
 - iii. Minimize loss of natural vegetation.
 - iv. Ensure home-based business activities minimize potential impacts on neighboring residents.

Goal Statement 12. Permit the creation of new Township roads for new subdivisions, presuming developer-paid improvements, pursuant to a comprehensive set of requirements to ensure other property owners don't absorb related costs.

Policy Directions.

- A. Rural subdivisions shall be responsible for any and all costs of development.
- B. Ongoing maintenance costs of new improvements (such as Township roads) provide a rationale for Township review of development pattern and design.
- C. Requirements for public safety in new subdivision development, such as fire and other emergency response requirements, requires local review to ensure safe and efficient design, and the ability to ensure that future extensions of new roads will continue to serve both safely and efficiently.
- D. Ensure subdivision design that provides connection to adjoining properties for future growth and extension, and avoids the requirement that other property owners would bear the burden of such extensions.

Goal Statement 13. Ensure that new subdivisions have accounted for process review by other applicable jurisdictions, including Sewer District review, County highway review, Soil and Water Conservation review, and any other similar requirements.

Policy Directions.

- A. Local review of new residential development will incorporate a requirement that all jurisdictions providing oversight or services to the subject area have the opportunity to review and comment prior to final approvals.
- B. Property owners and/or developers seeking approvals at the Township level should bring such jurisdiction comments to the Planning Commission as a fundamental component of a complete application.

Goal Statement 14. Code language should adequately defines nuisance land uses, including accumulation of junk, noise, lights, or other factors that interfere with reasonable property rights of neighbors.

Policy Directions.

- A. When activities occur on a property that creates negative impacts that the Township's regulations are intended to address, a remedy of enforcement should be available and applied.

- B. Effective use of land use regulations, and the balancing between rights and responsibilities written into such regulations, requires such enforcement, but relies most heavily on voluntary civic compliance and respect for neighbors.

LAND USE PLAN RECOMMENDATIONS

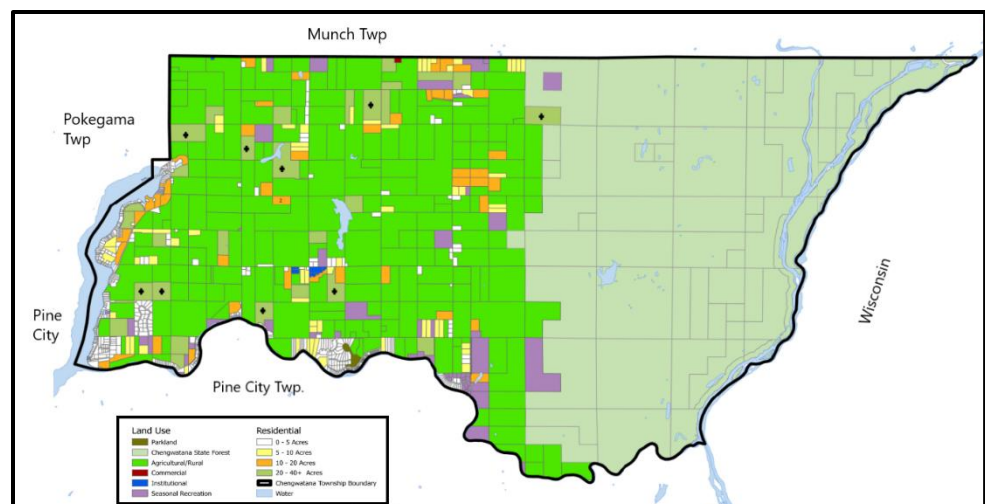
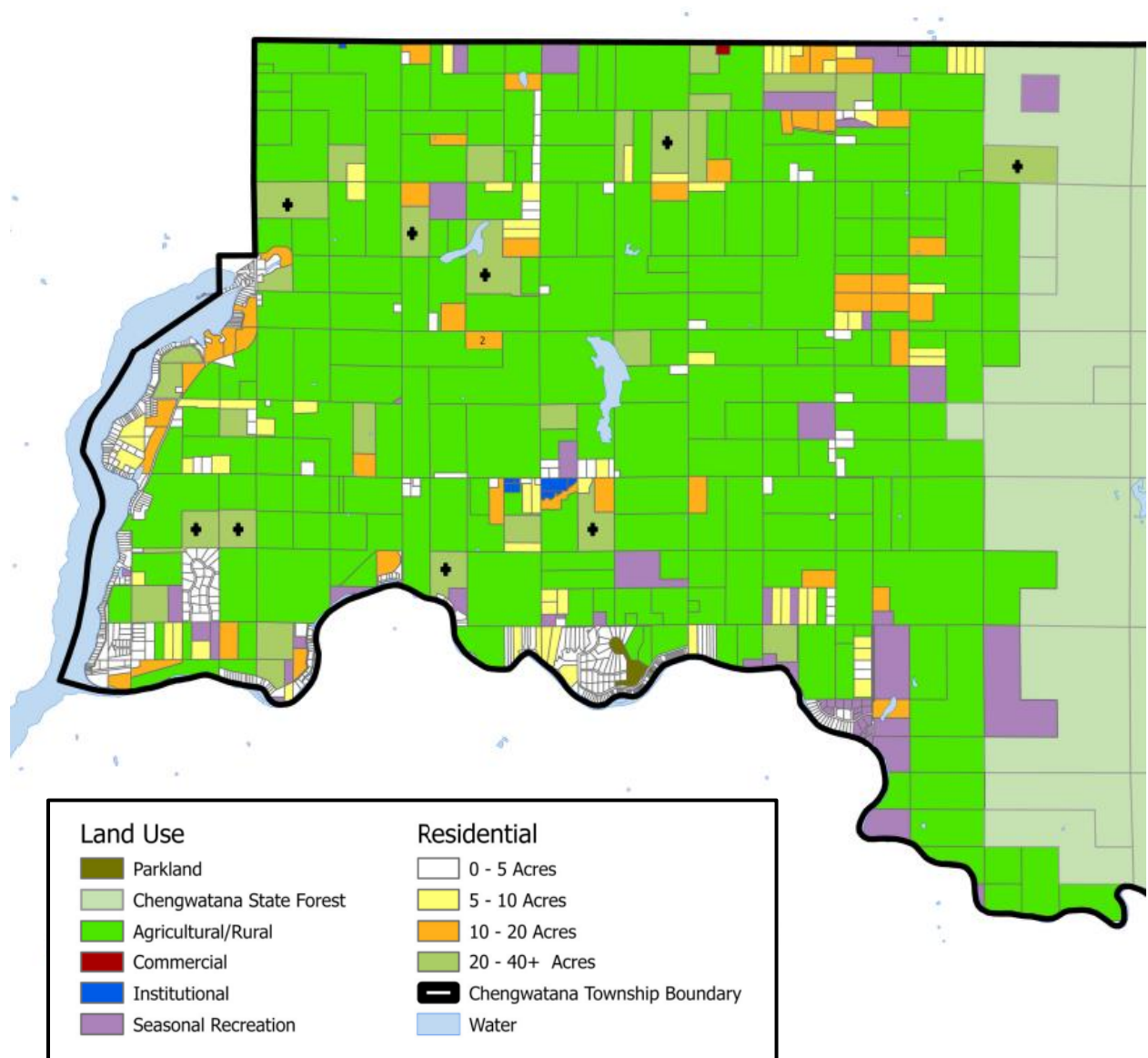
- a. General Residential Uses
- b. Agricultural Uses
- c. Shoreland Uses
- d. Business Uses

Chengwatana Township is a rural community that lies generally between Cross Lake on the west and the St. Croix River on the east, and north of the Snake River. The St. Croix River forms the state boundary between Minnesota and Wisconsin. The Township consist of approximately 47 square miles, just under half of which is part of the Chengwatana State Forest, a State-managed (and largely owned) area adjacent to the St. Croix River and St. Croix State Park.

The Township's land use pattern is largely agricultural by area. Approximately 200 parcels are classified as Agricultural use in the Township, but occupy more than 80% of the land. There are approximately 575 parcels that are classified as residential. Fewer than 30% of those (approximately 165) are outside of the shoreland areas of Cross Lake or the Snake River, with more than 400 residential parcels clustered near the two waterways. Thus, outside of the shoreland areas, there are more agricultural parcels than residential parcels.

Beyond the residential and agricultural parcels, there are approximately 50 parcels that are classified as Seasonal/Recreational – properties that are neither agriculture, nor year-round housing. One parcel in the Township is classified as commercial property.

The existing land use pattern is shown on the map on the next page. The map illustrates the uses as defined by the Pine County assessor's land use classifications. Because the Township has chosen to create zoning regulations that combine various uses into a single zoning category (the Agricultural-Residential District), the land use pattern will evolve to include new subdivisions of land of varying sizes, some of which are platted, and which will create new Township Roads, and others which may merely split one or two larger rural residential parcels from the surrounding agricultural land.



RESIDENTIAL USES

Five Acre Residential Lots, Unplatted. The patterns created by this approach will accommodate the occasional subdivision of a non-agricultural unplatted parcel for sale to another party. Such subdivisions are required to be no less than 5 acres in area, and will be permitted by a Certificate of Survey and a metes and bounds legal description. Provided the parcel is at least 5 acres in size, no platting will be required. The Township finds that such subdivisions will maintain the long-term rural character which is key to the goals of this Plan.

Other Residential Subdivisions. There are three additional categories of subdivision that may occur with smaller lot sizes than the five-acre minimum noted above.

2.5 Acres, Platted. The first will be a platted subdivision of parcels with buildable land capable of supporting a compliant private septic and well design. To create such a platted subdivision, the applicant will be required to plat the property following the County's plat process. Any new Township roads created as a result of the plat will be required to meet the Township's Road Specifications policy, a copy of which (at the time of the adoption of this Plan) is attached to this document as an appendix. The Township reserves the right to update its specifications by policy; thus, the attached document is for information purposes only.



It is important to note that lots in this category shall be required to demonstrate suitable soils and area for a principle dwelling, on-site sewage treatment and private wells.

2.0 Acres, With Central Sewer. In portions of the Township, primarily along the Cross Lake frontage, existing lots and some undeveloped growth area are served by the Cross Lake Area Water & Sanitary Sewer District.

Connections to the sanitary sewer services of this District are available to certain properties in Chengwatana. Because the Central sewer would not require the soils and alternative system of on-site sewer treatment, a lot size of 2.0 acres, gross, is created.

This lot size may include non-buildable areas, as long as the building site and other improvements on the property can meet the other zoning standards of the Township's code. Smaller than the parcels requiring on-site systems, the lots are sized to retain a spacious and separated character for the homesites, avoiding a too-suburban layout that would be at odds with the Township's land use goals.

A variety of accessory uses traditional to single family homes are expected and allowed. Some of those expand beyond a strict residential pattern to include certain aspects of commercial use. Those are discussed in the sections below.

AGRICULTURAL USES



As noted above, the large majority of the current land use pattern is in agricultural use. The Township’s long-term land use objectives highlight the intent to preserve these agricultural opportunities, and maintain the rural character that agricultural creates for Chengwatana. It is noted that certain Agriculture-adjacent activities may occur in such areas that expand the uses and opportunities for farming properties.

Most significant among these is the opportunity for rural “Event Center” activities. Common uses in this category include Apple Orchards or Vineyards that sponsor entertainment or accommodate large gatherings such as weddings and receptions, or similar non-traditional uses.

The Township is receptive of these uses with the understanding that the non-farming use is related to a legitimate agricultural activity on the property. Thus, it is expected that while an Event Center is providing entertainment for private gatherings, the wares it is selling relate to an active agricultural activity on the property. A Winemaker who is growing no grapes or other wine fruit is not viewed as fitting this category.

Finally, these extended non-agricultural uses can create land use impacts not associated with traditional agriculture. Therefore, the regulations adopted by the Township will relate to managing those impacts, and minimizing negative effects on neighboring property.

SHORELAND USES

Shoreland in Chengwatana encompasses two primary areas. For shoreland adjacent to water “basins”, or lakes, the shoreland regulations extend to 1,000 feet from the ordinary high water elevation of the basin (or from the limits of the floodplain adjacent to the basin, whichever is the greatest.) For rivers, the shoreland regulations extend 300 feet from the OHW or floodplain limits.

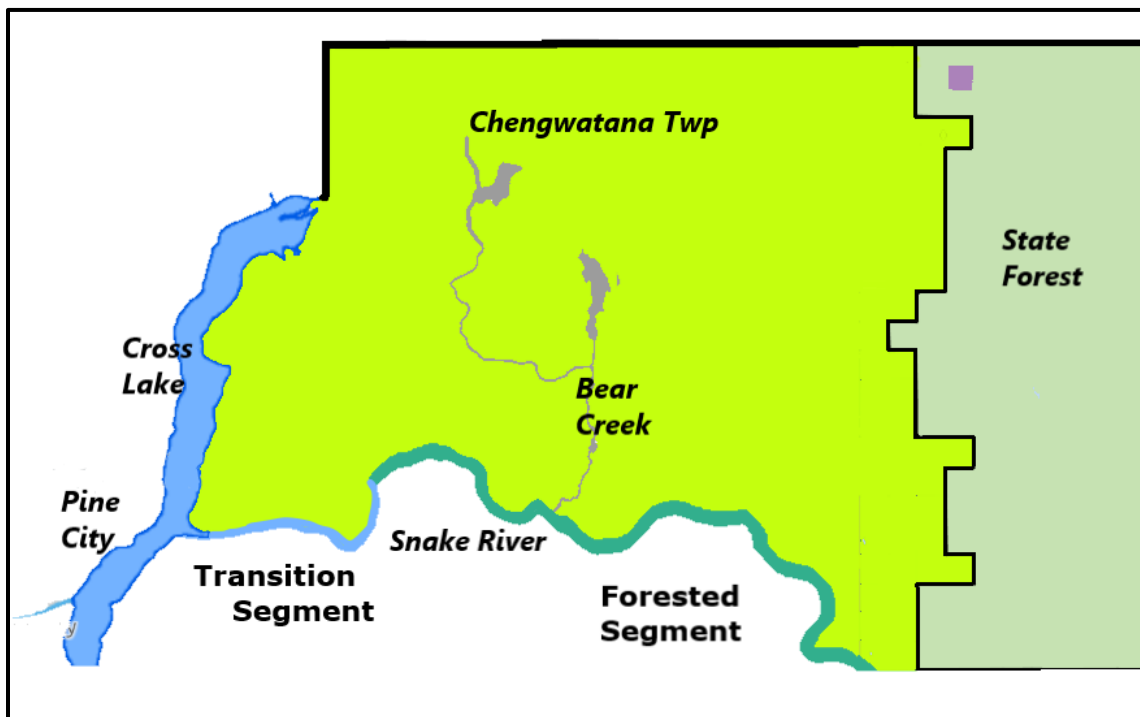
The most extensive area of shoreland is located along the eastern shore of Cross Lake, a public water which the DNR has classified as a “General Development” lake. General Development lakes are those which have shoreland areas extensively developed with urban or suburban land uses. This classification accommodates the most intensive development patterns of the various lake classifications in the public waters inventory.

Accordingly, Cross Lake is largely developed with moderate-density residential uses on or within its shoreline area, especially so for its shoreland within Chengwatana. Because this portion of the shoreland is also served by public sanitary sewer from the Cross Lake Sanitary District, the development style is typical of a suburban residential district.

Not all of the shoreland is developed at this time. However, the Sanitary District has expressed a willingness to accommodate additional development and sewer hookups, with adequate capacity for significant new users. Under the Township’s proposed regulations, at this time, the Shoreland areas of the Township will remain under County authority for both Subdivision and Zoning. As such, those standards will be used for the review of any new residential development in the District.

The second area of Shoreland is along the north side of the Snake River, which forms the southern edge of the Township’s boundary. As noted above, the Shoreland District extends to 300 feet from the river, and this area is likewise planned to be regulated for both zoning and subdivision by Pine County. The Snake River in this area holds two different river classifications as it flows out of Cross Lake. The mile and a half is designated as “Transition”, with the remainder from that point to its confluence with the St. Croix River designated as “Forested”.

Both classifications accommodate some limited year-round residential, and have existing or expected capacity for recreation. The primary difference is that the Transition class includes a likelihood of more agricultural land cover, whereas the Forested class is just as its title implies – a forested land cover. The change from the Transition to the Forested class occurs near the intersection of Canyon Way and Crooked River Road, however the difference between the two is insignificant for most land use purposes.



The St. Croix River, forming the east boundary with the town, and the state, is a Wild and Scenic Recreational River. This area is entirely encompassed by the Chengwatana State Forest, and is not subject to township land use regulation.

All shoreland areas will be subject to the Chengwatana Zoning Ordinances. In addition, they will be considered a Shoreland Zoning Overlay with the additional restrictions and regulations required by DNR and the County. At this time, these overlay restrictions will be administered by the County. Where the two ordinances conflict, the more restrictive ordinance shall prevail.

COMMERCIAL USES

As the discussion above notes, there is one commercially-classified use in the Township. The Township has chosen to zone no property for commercial use beyond the accessory activities that may occur on what are principally Agricultural or Residential properties. Where existing Commercial Uses are present, the standard approach is to consider nonconformities as an allowed ongoing activity, but without expansion. The Township may entertain the possibility of additional limited expansion when the Township is presented with the opportunity to address any existing or expected land use-related concerns.

Home-Based Business. The most prominent business activity in the Township is that of home-based business. The Township's zoning regulations create an extensive allowance for commercial uses that are established by the occupant of residential property. Those regulations are governed by the principle that while the Township maintains a broad acceptance of these business uses, there is a concurrent expectation that those businesses are operated in a manner that minimizes – or avoids completely – negative non-residential impacts on neighboring residential uses.

Because the land use approach of Chengwatana is to allow, within its single zoning district, the potential for rural residential throughout the township, it will be important for the Township to regulate home-based business as if such residential areas are currently in place – even if no such residential is yet developed. The expansion of commercial activity as businesses grow can be a powerful incentive to overlook the impacts when the surrounding areas are not yet developed.

The primary commercial activities in home-based businesses are to be contained within a building or buildings on otherwise residentially-used property. Concerns most often raised by the mixing of business uses in residential areas are due to outdoor use, including active noise issues, outdoor storage, or materials and equipment.

A successful approach to accommodating home-based business uses is through the application of Interim Use Permits. These zoning permits are specific to the use and the user, and can be time-limited to a specific period on the calendar, or to some specific event, such as the occupant's residence on the property. In this way, they avoid being automatically passed on as a property right from owner to owner when land changes hands (such as with permitted uses or conditional uses).

Short-Term Rental. A cross-use category, Short-Term Rental is a quasi-residential land use, which focuses on transient lodging occupants. While short-term rental occupants utilize the property in a residential manner, there are occasional impacts that can be of concern for permanent residents. Included are the potential for “party houses”, or increased amounts of traffic to and from the house.

Short-Term Rental differs from a home-based business in that the owner or a long-term resident of the property is most often not living on site. Non-resident business operators have more difficulty managing the potential impacts of their use. As such, it is desirable to license Short-Term Rental uses, or require Interim Use Permits to enable enforcement against disruptive land uses.

Resorts/RV Parks. Short-Term Rental consists generally of stays that are less than 30 days in length. More than this and the occupancy is classified as a residential use. Resorts provide residential occupancies for often a full season (and sometimes year-round), but the occupancy is of a recreational nature, and most resort stays are by those that have other permanent residency.

Resort development raises concerns related to clustering of recreational vehicles and/or cabins, and occasionally, some aspect of commercial activity serving the resort residents. Because Chengwatana has a strong recreational and environmental attraction, resort development requires a significant amount of careful consideration to ensure that is both environmentally sound and its impacts are not inconsistent with the residential uses surrounding (or sharing the road with) the resort use.

Interim Use Permits are well-suited to regulating this type of development. It is common throughout Minnesota that long-standing resort developments have sought to be converted to permanent residential uses. By tying the IUP firmly to the resort use, the property owner seeking this type of conversion would need to appeal to the Township and other regulatory authorities to ensure that any such conversion would be accomplished in accordance with the applicable land use regulations for that future use (rather than the prior resort use).

Event Centers. These uses are often hybrid uses that capitalize on an existing agricultural amenity of the property. Examples include apple orchards that accommodate harvest-related sales and entertainment, or vineyards that create on-site winemaking and related sales. Both examples, and others, will often seek to use the facilities developed for these ag-related activities on a more year-round basis.



The nature of these uses can be expansive, and depending on the use, create impacts far beyond the agricultural aspects of the property in question. Moreover, they will often create intensive traffic – and potential noise from music or crowds - when in use. The Township may require that such uses be restricted to paved roadways that are designed and maintained to handle these types of land uses. Rural gravel roadways are easily damaged by heavy traffic.

Further, ensuring that noise generated by these uses is well-insulated or directed away from sensitive neighboring land use is key to long-term compatibility.

Other Commercial Uses. At this time, no other commercial uses are anticipated in the Township. Because the overall Vision is focused on agriculture and rural residential, commercial activities shall be limited to those that are compatible with these objectives and that over the long-term, the attraction of the community's residential uses is protected from undue intrusion.

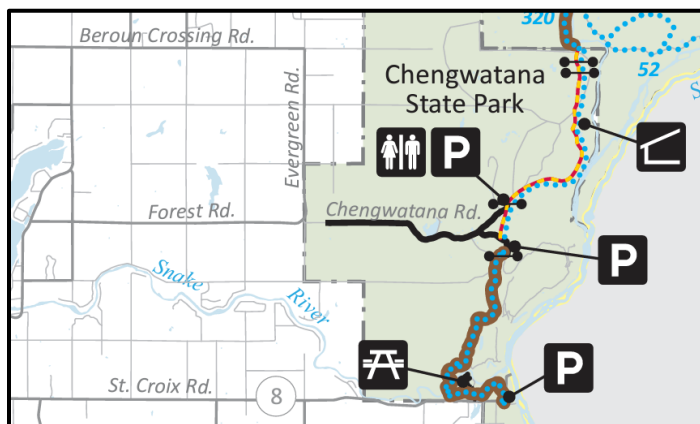
The Township expects that occasionally property owners to seek to introduce new or novel commercial uses. The introduction of new business activities that are not home-based will require amendment to the Township's zoning regulations. This process will provide an opportunity for both the Township officials and public to understand the nature of the proposed use, craft regulations around its introduction to the community, and consider whether the use and any restrictions can rise to meet the goals and policy expectations of Chengwatana.

This document is designed to provide a solid basis for determining when and whether the introduction of new uses is reasonable. It creates both a framework for allowing well-adapted uses, as well as a basis for rejecting those that are incompatible with the Vision and/or its component goals and policies.

CONSERVANCY USES

Chengwatana State Forest. A significant amount of land in Chengwatana is reserved for “conservancy” uses, including just under half of the Township preserved in the Chengwatana State Forest, and a small southerly extension of the St. Croix State Park land, along the St. Croix River. Most of these lands are owned or held in trust by various entities of the State of Minnesota, with a small handful of privately owned parcels still

independent from the State Forest designation. The State Forest provides limited service recreation opportunities to the public, and includes hiking and biking trails, primitive camping, off-road vehicle access and winter uses including snowmobiling.



Within the State Forest, the Matthew Lourie State Trail connects from the mouth of the Snake River at its connection with the St. Croix, north through the Township to St. Croix State Park and then farther north to the Nemadji State Forest. The map to the left show an imprint of the State Forest and Trail (incorrectly labeled as “State Park”).

Private Recreation Land. Several parcels of all sizes are in private ownership throughout Chengwatana and reserved for use by their owners as private recreation land. Most of these have only temporary quarters for intermittent use. For those parcels not within the boundaries of the State Forest, however, they may be converted to residential use.

In this regard, the “Private Recreation Land” designation is merely a current tax classification, not a permanent land use category. They are distinguished from other Township parcels in that they have only temporary dwelling quarters, and limited use as agriculture.



IMPLEMENTATION

For Chengwatana, the Vision sets out a priority for the following imperatives:

- Protect the Township’s natural environment.
- Retain the rural character of the Township.
- Work to preserve property owner’s rights, and observe responsibilities to neighbors.
- Preserve and promote agricultural endeavors.
- Operate the Township in a fiscally responsible manner, keeping taxes low while providing services at an efficient, but rural, level.
- By following these goals, preserve the quality of life in the Township.



The Vision, together with the Goals and Policies in this Comprehensive Plan, lay out the ideas for managing land use as growth and development pressures shape the next several years of the Chengwatana community. Realizing these Goals and other opportunities requires more than Vision only, however. Change and development are managed by adopted ordinances and other regulations.

This plan lays the groundwork for those ordinances. Even more, this plan lays the groundwork for making decisions when requests for subdivision or new land uses require difficult calls. Local governments have the statutory authority to regulate land use, and very broad discretion to identify the land use goals of the community, but give very narrow authority in the application of those goals. Local governments are required to address similar land use situations in similar ways. Courts will find the municipality “arbitrary” and “capricious” if such situations receive dissimilar outcomes, with little to distinguish them from each other. To implement this Comprehensive Plan, the following components of land use regulation are included in Chengwatana Township’s authority:

- a. Zoning Regulations
- b. Findings of Fact
- c. Building Code
- d. Road Construction Specifications
- e. Shoreland and Floodplain Regulations
- f. Subdivision Regulations Review

Zoning Regulations.

Zoning Regulations, authorized for local government use, are created pursuant to MN Statutes Chapter 462. For Townships, the adopted regulations must be “as restrictive” as any adopted County regulations, which are created through statutory authority in Chapter 394. The two chapters are largely the same for the purposes of the Township’s regulations.

In Chapter 462.351, the statutes provide the following text (townships are “municipalities” for the purposes of state law):

462.351 MUNICIPAL PLANNING AND DEVELOPMENT; POLICY STATEMENT.

The legislature finds that municipalities are faced with mounting problems in providing means of guiding future development of land so as to insure a safer, more pleasant and more economical environment for residential, commercial, industrial and public activities, to preserve agricultural and other open lands, and to promote the public health, safety, and general welfare. Municipalities can prepare for anticipated changes and by such preparations bring about significant savings in both private and public expenditures. Municipal planning, by providing public guides to future municipal action, enables other public and private agencies to plan their activities in harmony with the municipality's plans. Municipal planning will assist in developing lands more wisely to serve citizens more effectively, will make the provision of public services less costly, and will achieve a more secure tax base. It is the purpose of sections [462.351](#) to [462.364](#) to provide municipalities, in a single body of law, with the necessary powers and a uniform procedure for adequately conducting and implementing municipal planning.

The standard of review noted in this text is the protection of public health, safety, and general welfare of the community. These are known as the “police powers”, and are specifically delegated to the local government in this clause. Zoning is an aspect of the police powers, as many zoning regulations protect property interests, and therefore, often relate to public health and safety – such as in the case of stormwater/drainage controls, traffic and congestion or access design, and environmental concerns including sewerage, water supplies, and the provision of “private” utilities such as electricity, telephone, and various technologies.

General welfare is reflected in zoning regulations by ensuring that achievement of the community Vision is spelled out well in the ordinances adopted by the community. Chengwatana’s major objectives of rural environment, extensive exercise of private property rights – balanced against a strong sense of avoiding impacts on neighbor’s property – are all aspects of “general welfare”. Noise, lights, odors, and numerous other aspects of rural residential life can impact the enjoyment of life in the Township – the zoning regulations are designed to evaluate all of these factors and find the point of equilibrium.

Findings of Fact.

When ruling on zoning decisions, the Township Board (after the recommendations of the Planning Commission) serves two differing roles in democratic governance. When adopting regulations that have broad application – rather than applying only to a single specific case – acts in a “quasi-legislative” role. Here, the Board has broad authority to develop and adopt regulations that implement the Comprehensive Plan statements.

When acting on a specific zoning application – such as a request for an Interim Use Permit – the Board acts in a “quasi-judicial” role. The authority of the Board is narrowed to ensuring that they are fairly and equally applying the rules of the Township to the specific case before them.

In either case, the Board is burdened with the need to explain its action. Those “explanations” are required to be related to an abiding goal or policy of the community, and should address the public health, safety, and/or welfare aspects of the proposal. These explanations are “Findings of Fact”, and are a specific listing of the rationale used by the Board for its actions.

In zoning rulings, the Board needs to create these Findings and state them on the record when it takes its action – whether the action is approving or denying a zoning request. When the Board does this diligently, it is granted a wide berth in the event that a zoning decision faces a legal challenge. Actions that are not supported by good and valid Findings are looked at under close scrutiny by reviewing Courts, with a presumption that they have been made “arbitrarily” or “capriciously”, as discussed above.

Building Codes.

The Minnesota State Building ensures that structures within the Township meet habitability and life-safety requirements of the Code and that housing and other structures in the Township will provide safe and efficient shelter for the foreseeable future. The SSTS regulations protect the many sensitive environmental assets of the area, and help ensure that these systems are properly designed, installed, and maintained in compliance with Minnesota Pollution Control requirements.

Both of these codes promote the reasonable use of land in the Township, helping to regulate land cover, density, and structural integrity of private systems. By doing so, the regulations help to facilitate a long-term rural land use pattern, and protect public investments in road and stormwater infrastructure, as well as open space and healthy water quality, among other environmental conditions.

Road Construction Specifications.

Perhaps the most significant public infrastructure in Chengwatana Township is the systems of local and County roadways. Ensuring that roads, and public road design, meet a common set of

standards is a key aspect of public infrastructure maintenance and management. The Township's largest budgetary item is road maintenance, and thus, a fundamental aspect of its fiscal responsibility.

The Township officials have adopted a policy that new Township roads may be platted as a component of subdivision approval. The increase in the Township's maintenance responsibility is a natural result of the increase in road mileage. While a subdivision development will incur the costs of construction for the new road, it will become a public expense for upkeep and, over the long term, regrading, gravel, dust control, snow plowing, and other common operations. Well-maintained roads are necessary to ensure other services, including police and fire response. Proper road construction is critical to each of these services.

A current version of the Township's Road Construction Specifications is included as an appendix to this Plan.

Pine County Land Use Authority.

As discussed elsewhere in this Plan, the Township expects to regulate land use through this document and the implementation codes and practices mentioned, among others. Some aspects of land use regulation, at the current time, will be retained by Pine County, however.

Shoreland and Floodplain Regulations. Among the County's land use purview, at this time, will be Shoreland Management and Floodplain Management, both of which are themselves regulated by State of Minnesota Rules, which the County enforces through its locally-adopted ordinances.

Those ordinances function, within Chengwatana Township, as a baseline zoning regulation. To avoid an overlap of jurisdiction, Chengwatana's zoning regulations will apply to all land within the Township. Property owners or others seeking information regarding development standards, land use permitting, and other aspects of land use in the Shoreland and Floodplain Management areas are instructed to seek out County authorities for additional direction.

Because the Township has zoning authority, it will be important to establish a consistent coordination policy between the Township and the County to ensure that the appropriate zoning regulations for lot size, frontage, road dedication, drainage and utility easements, and other aspects of Township development standards are adhered to. When the two districts both regulate the same element, the more restrictive ordinance shall apply.

County land use regulation notwithstanding, the Township retains Building permitting authority within all parts of the Township, including Shoreland and Floodplain areas. Thus, once and land use processing has occurred at the County level, construction permitting will be handled by Township officials and staff.

Subdivision. The Township will not be adopting Subdivision regulations at the current time. As such, processing of new lots splits, plats, lot combinations, and other lot and boundary changes will occur through Pine County's land use department.

Because the Township has zoning authority, it will be important to establish a consistent coordination policy between the Township and the County to ensure that the appropriate zoning regulations for lot size, frontage, road dedication, drainage and utility easements, and other aspects of Township development standards are adhered to. When the two districts both regulate the same element, the more restrictive ordinance shall apply.

Subdivision applications to the County shall be forwarded to the Township Planning Commission and/or Township Board for review and recommendation before official action at the County level. This will provide the Township with the opportunity to examine consistency with, and provide comment on, its zoning regulations and land use objectives as they are affected by a subdivision proposal.

With the authority to approve the creation of new parcels at the County level, developers or subdividers will want to be certain that the new lots they create are going to be eligible for building and septic permitting once approved and recorded. Without Township comment and involvement, it is conceivable that new subdivisions are approved that raise issues for zoning compliance. These conflicts can result in a need for variance requests, and eventually, an erosion of the Township's goals and its purpose for land use regulation.

Septic. At this time, Septic permitting authority shall be retained by Pine County for all parts of the Township.

In Summary, the Township will undertake land use regulation in much of its jurisdiction, and in partnership with the County for various aspects of review and approval authority. When exercising any land use authority, the fundamental element is to hold the Vision, and its component Goals and Policies at the forefront. This allows the Township to apply its regulations consistently, the key to both successful regulation, as well as to defensible decision-making when conflicts arise, as they often do.