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PLANNING COMMISSION

AGENDA
TOWN OF MAY
PLANNING COMMISSION
February 23, 2023 at 7:00 p.m.

May Town Hall
13939 Norell Ave. N.
Marine on St. Croix, MN 55047

- 1. Call to order**
 - a. Review and approval of minutes from December 29, 2022 PC Meeting
- 2. PC Organizational Matters**
- 3. Open Space Subdivision Discussion**
- 4. Adjourn**

TOWN of MAY
WASHINGTON COUNTY, MINNESOTA
OFFICIAL PLANNING COMMISSION MINUTES
December 29, 2022

The Planning Commission for the Town of May held its regular monthly meeting on Thursday, December 29, 2022, at the May Town Hall. Members in attendance were, Chair John Arneson, Vice Chair Don Rolf, Members, Walt Peterson, Lester Rydeen, and Ted Nesse. Also present were Town Clerk/Treasurer Bobbi Hummel, and Town Planner Nate Sparks. Chair Arneson called the meeting to order at 7:00 p.m.

Minutes from November 17th 2022, Planning Commission Meeting

Arneson moved, seconded by Rydeen, to approve the November 17, 2022 minutes as presented. Motion passed.

Long Lake Conservation Area CUP, continuation

The proposed parking location has been moved further north, approximately 50 feet, towards the road. This is agreeable with County officials (Alex McKinney) and the neighboring property owners. This is the only change to the plan since the last meeting.

Trapping was another concern on this CUP. Only nuisance animals that are causing harm to the area will be trapped, mostly beavers and muskrats. The County would identify the nuisance animals and then contact a local trapper to get the animal out of the area. The township will then be notified. This language will be added to the final CUP.

Parking on the road is a concern as there are only 2 parking spots. There will not be any “no parking” signs on County Road 4 as this may actually attract people to the area. It will be unlikely that this spot will cause high traffic. The goal by limiting the parking spaces is also to limit the number of people in the area at any given time. If it becomes an issue with parking/people it will be addressed by the county.

The driveway/entrance to the area will be a recycled asphalt product.

Chair Arneson motions to close the public hearing 7:25 p.m., seconded by Walt Peterson. Motion passed.

Chair Arneson motions to recommend an approval of a conditional use permit for Washington County Long Lake Conservation Area. Under that the conditions that the county inform the town if there are nuisance animals that need to be trapped and keep the town informed of trapping permits issued. Seconded by Lester Rydeen. Motion Passed.

Washington County Mining Permit (IUP)

Erin Clarkowski, Washington County Engineer, requests a renewal of the 5-year CUP for the Washington County Gravel Pit located off of May Ave. It is a 66-acre parcel used mainly for material storage. Mining of aggregate and sand on the property occurs every 3-5 years. No washing or blasting, no equipment is stored on-site, there is no full-time staff on-site. Access to this pit is through the BTG site (off of Square Lake Trail) or an emergency access off of May Ave. Drainage is not an issue to any surrounding lakes. A fence and screening surround the property. 2,000-3,000 yards of material is removed every year – that equates to about 2 trips per every working day for 7 months of the season. Operation hours are 7:00 a.m. - 6:00 p.m. Monday thru Friday. No hazardous waste on-site. There is a final use plan for the property. This application contains the same request/information from 2017.

Nate Sparks comments the hours of operation will be from 7:00 a.m. – 6:00 p.m. based on the hours of the hours of the BTG site. The restoration bond will need to be collected as well as an electronic copy of the restoration plan to attach to the packet of the final IUP.

Chair Arneson motion to open the public hearing at 7:40, seconded by Walt Peterson. Public Hearing is open.

Resident Frank Frattalone comments that he wants to mine in this area. He also states that Washington County has been a very good neighbor and the site is kept up well.

Lester Rydeen would prefer that the shared driveway be split and each gravel pit have their own access. The agreement to utilize the driveway of BTG is a “hand-shake” agreement, but it is allowable to county staff only.

Vice Chair Rolf motions to close the public hearing at 7:50 p.m., seconded by Chair Arneson. Public Hearing is closed.

Vice Chair Rolf motions to recommend approval of the Interim Use Permit for the Washington County Mining Permit. Seconded by Chair Arneson. Motion passed.

Motion to adjourn by Chair Arneson, seconded by Lester Rydeen. Motion passed.

Meeting adjourned at 7:52 p.m.

Respectfully submitted,

Bobbi Hummel
Clerk/Treasurer



PLANNING MEMO

To: Town of May Planning Commission
From: Nate Sparks, Town Planner
Date: January 24, 2023
Re: Comprehensive Plan & Zoning Updates Related to Open Space Subdivisions

Background

The Town Board adopted a moratorium on open space major subdivisions in May of 2022 to allow for a study of the appropriateness of the density bonus and consider alternative approaches to this concept. Open Space subdivisions are referred to as “cluster” or “conservation” subdivisions in some other communities.

The moratorium was requested as a result of public comments received by the Town related to recent applications for Open Space subdivisions. There has been a sentiment expressed that the Town is granting too much density in exchange for this subdivision type. There has also been concerns expressed about the maintenance and quality of the open space being provided and the extra public road infrastructure required to serve these developments.

Comprehensive Plan

The Town’s Comprehensive Plan states that residential development within the Rural Residential designation may occur at a development density of 1 unit per 10 acres. The Rural Residential designation discusses three methods by which this may occur: minor subdivisions (three or fewer lots), open space subdivisions, and lot averaging subdivisions.

Lot averaging and open space subdivisions were both an attempt at concealing subdivisions from view of Town thoroughfares and avoiding “stove pipe” ten acre lots (lots that meet the minimum width but have 10 acres). The lot averaging concept allows lots of a range of sizes with a minimum of 2.5 acres but requires that lots be accessed via an internal access road and that the larger 20+ acre lots be adjacent to the exterior roads. Open space subdivisions were intended to conceal development while also preserving large tracts of natural or rural lands. Open space subdivisions could achieve a density bonus, according to the plan.

The density bonus could cause a perceived conflict with the Town’s plan, as a development with a density bonus could have density greater than 1 unit per 10 acres. This was brought up by several members of the community during the review of a recent open space subdivision.

The Town does not allow a simple 10 acre minimum lot size type of development. All developments require a yield plan and can utilize one the three above noted approaches with a minimum lot size of

2.5 acres. Ostensibly, the yield plan would result in a development density of 1 unit per 10 acres. A minor subdivision does not require a new street but is limited to three lots. A major subdivision has to be either an open space or lot averaging subdivision and provide a new road.

Open Space Subdivisions

An open space subdivision requires a minimum lot size of 38 acres and a minimum lot yield of four. A yield plan with 38 acres of buildable land would result in 4 lots, as the yield plan allows for rounding up to the next unit if over 8 ($38/10 = 3.8 = 4$). The minimum individual lot size is 2.5 acres of contiguous buildable acres. The minimum public road frontage is 160 feet for lots between 2.5 and 4.0 acres and 300 feet for lots over 4.0 acres. Lot coverage is capped at 25% impervious surface per lot.

Lots are required to be designed for use of the most suitable soils for sub-surface septic disposal, within any woodland contained in the parcel or along the far edges of open fields, adjacent to any woodland (to reduce impact upon agriculture, to provide summer shade and shelter from winter wind, and to enable new construction to be visually absorbed by natural landscape features), and in locations least likely to visually block or interrupt scenic views. The design must, as much as practicable, preserve the natural and scenic character of the parcel and the adjoining parcels.

An open space subdivision requires that an easement for the purpose of retaining and protecting natural or open space values of real property, assuring its availability for agricultural forest, recreational or other open space uses and protecting natural resources. The easement must be granted to a qualified land trust type entity and to the Town of May, and all open space and pathways must be governed by a conservation easement. A minimum of 40% and a maximum of 50% are required to be in the open space with 75% of the open space being within a contiguous block.

Open space subdivisions are required to meet the performance standards for subdivision design found within the Washington County Development Code. This includes road design standards and also that new roads are extended to adjacent properties to allow for further development.

Open space subdivisions have been criticized in public meetings as being not within the character of May Township. The intent appears to have been to have open space by the road with the houses clustered behind. However, in practice when the priority land to be preserved is not along the road, it results in a development with smaller lots than typical in full view with the open space behind.

The other issue with open space subdivisions is that the use and management of the open space is often poorly defined. In a recent open space development that was approved the number of lots were limited to the point that concern about the maintenance of the open space and the requisite trails was raised.

The criticism the Town has received about this concept includes: too great of density, visible lots too small and too visible from the road – leading to development out of character with the rest of the Town, long term maintenance/use of the open space. Some of these issues appear to be exacerbated by the density bonus concept.

Additionally, both the open space and lot averaging subdivisions require the dedication and construction of additional public rights-of-way for the internal access road. These are required to be paved and provide access to neighboring properties.

Open Space Subdivisions in Other Communities

Washington County

Washington County allows for open space subdivisions via a conditional use permit within the Shoreland Management Overlay as a conditional use permit. Their standards are slightly different than that of the Town Code. They require 50% open space minimum (not maximum) and the minimum lot size is 1 acre of contiguous buildable soils rather than 2.5 acres. Regardless of the Town's ordinances, this program may continue.

Baytown Township

Baytown Township had a moratorium on open space subdivisions in 2021. Their ordinance was similar to that of Washington County's. The result of their moratorium was to allow open space subdivisions as an overlay district at the density allowed within the underlying zoning district but not more (they have a different range of densities than May). They cited issues with the quality of the open space being preserved and the use of the open space as reasons for the moratorium.

Stillwater Township

Stillwater Township has an open space design ordinance from 2018 that appears to be similar to that of Washington County's with the notable exception of a minimum lot size of 2 acres. It is applied via a zoning mechanism called a planned unit development. The Town of May does not have a planned unit development ordinance.

Grant

Grant's ordinance defines a "cluster development" but then states that it is not permitted within any of their zoning districts.

Medina

Medina, in Hennepin County, has an ordinance for "conservation design subdivisions." These are allowed by a type of planned unit development. It allows for up to double the number of units permitted by the base density provided the lots are at least 2.5 acres in size. They also have requirements of what lands qualify for open space. Medina requires subdivisions where the lots are greater than 5 acres in size to have private roads.

Minnetrista

Minnetrista, also in Hennepin County, allows "cluster developments" within its equivalent of May's Agricultural District (1 per 40). It allows development of up to a density 1 unit per 6.66 acres provided certain criteria are met. They also have a "greenway" identified and other extensive natural resource planning that helps identify the areas that should be open space.

Possible Alternatives

The primary issues the Town faces are the function of the open space, the infrastructure, and the density. The Town Board has a few possible options:

1. Maintain open space subdivisions but strengthen the code language. This would possibly require open space subdivisions to meet a 1 per 10 density without any bonus and require the open space to be 50% (match the County standards). Then there could be stricter requirements about the open space (meeting natural resource protection goals for example). Additionally, it could require that the open space be between the road and the lots.
2. Allow open space subdivisions without any changes except for the deletion of the bonus density. Then possibly augment the language around the open space being a natural resource preservation target.
3. Delete open space subdivisions from the Town Code. Allow other forms of subdivision without change.
4. Delete open space subdivisions from the Town Code. Allow “minor subdivisions” with greater than three lots with a minimum lot size of 10 acres (or similar). Allow lot averaging subdivisions only with private roads.
5. Require all major subdivisions to have private roads.

As part of the Conservancy District updates, the Town reiterated a commitment to the scenic roadway concepts. Part of these alternative subdivision design standards were to obscure the view of houses from traditional town roadways. This could also be achieved by requiring a larger setback from scenic and rustic roads. Instead of 40 feet, for example, the setback could be doubled to 80 feet or adjusted to 100 feet. This could also help preserve a portion of the intent of the alternate subdivision design standards.

To allow for subdivisions with 10 acre lots that are not lot averaging or open space subdivisions would require some considerations. First, many 40 acre parcels are actually 38 or 39 acres in size. A yield plan would likely state that these parcels could be divided into four lots. However a 10 acre minimum would only allow 3 lots. Yet, a 10 acre minimum would be the simplest way to deal with this situation. If the Town were to continue the practice of allowing 2.5 acre parcels but a density of 1 per 10, this could result in a situation where somebody creates three 2.5 acre lots and one 32.5 acre lot. The Town would then have to find a way to continuously ensure that the 32.5 acre lot isn't further subdivided.

Another consideration would be regarding road connections. If the property to the rear of a lot has no road frontage, a road to the parcel could be required. The construction of this is typically the responsibility of the subdivider. The Town requires the “internal access road” from a major subdivision to provide this roadway connection. This will require some adjustments to the Code to prevent future issues.

Staff Recommendation

Based on the findings of the study related to open space subdivisions, it would appear that there is some basis for changes to the code. The goals of the open space subdivision standards seem to have not been achieved by the ordinance. The additional density often seems unwarranted.

That would leave the options of: allow open space subdivisions with changes or remove the concept from the Town Code and Comprehensive Plan. If kept, it would seem to be that the bonus density could be eliminated and the possibility of allowing private roads could be considered.

Additionally, it would be recommended that the Town consider requiring a greater setback to scenic and rustic roads.

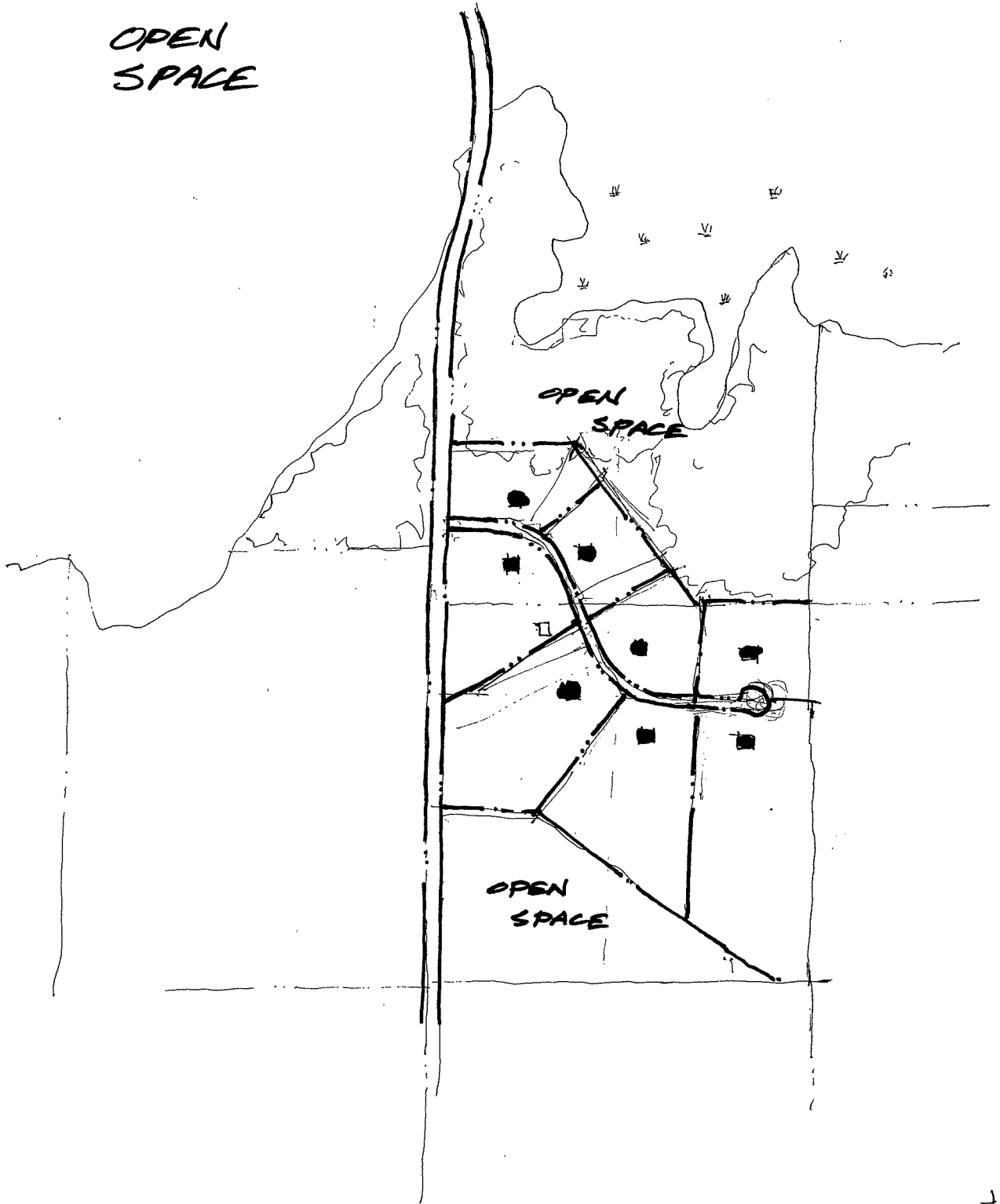
Based on the policy direction being discussed, Staff would recommend the following code changes:

1. Delete the open space subdivision allowance. This may still be allowed in the Shoreland District under the County's Ordinance.
2. Allow for private roads in Lot Averaging Subdivisions. If road connections are needed, a public road would be required.
3. Allow for 10 acre lot minimum subdivisions with greater than three lots.
4. Create specific road design standards for the Township rather than simply deferring to Washington County's standards.

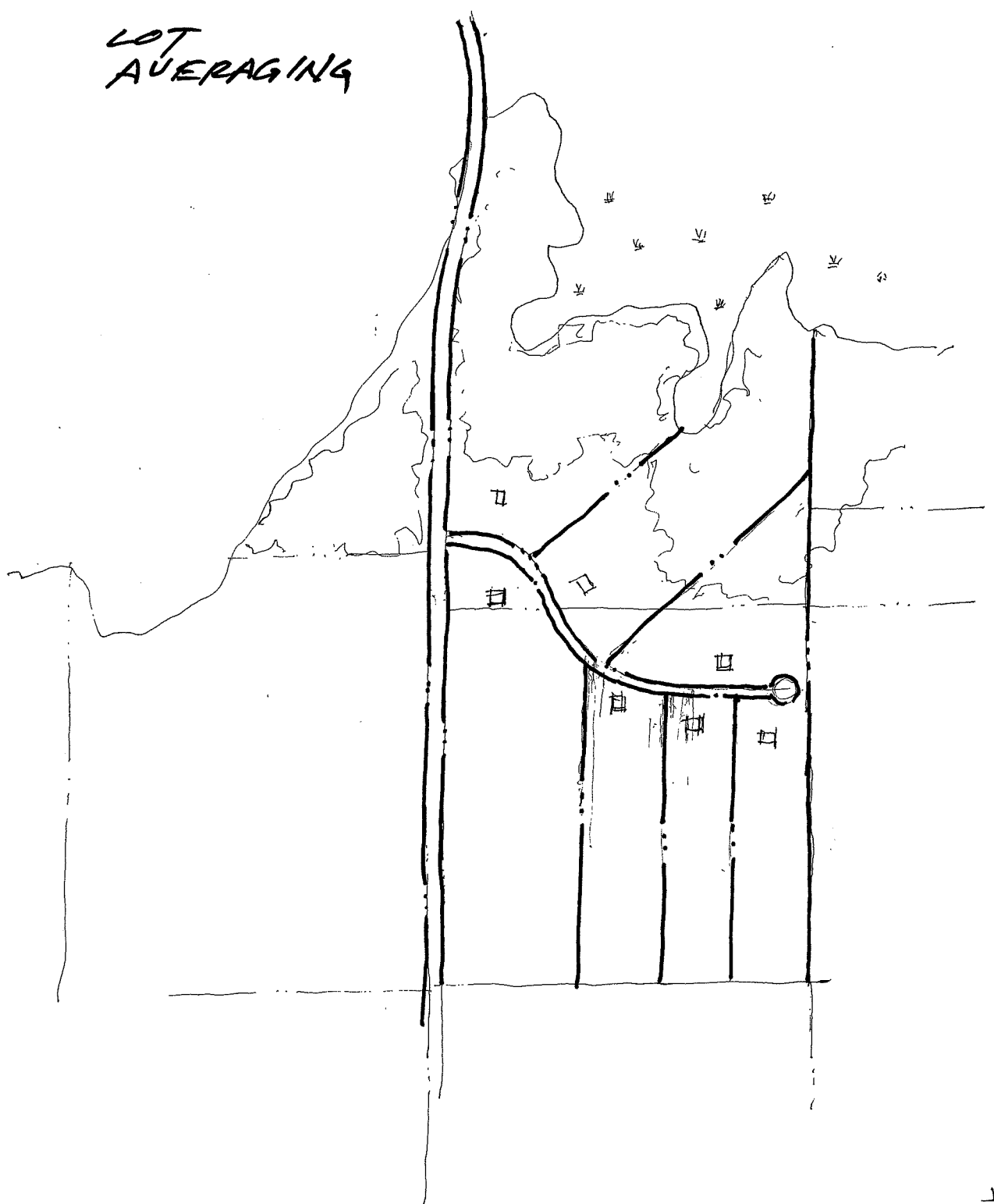
This would require a substantial rewrite of the Town Code and Comprehensive Plan, as this would be a significant policy change. Pages 22, 80, 90, 91, 105, and 107 reference the Open Space subdivision concept in the Comprehensive Plan. Pages 7-73 through 7-75, 9-4 through 9-6, 9-8, 9-12, and 9-26 through 9-31 in the Zoning and Subdivision Ordinances reference the Open Space subdivision concept. Then code language allowing 10 acre lots without an alternative design, design standards for subdivision improvements, allowances for private roads, and increased front yard setbacks to scenic and rustic roads would all need to be added to the Code.

Town Staff is looking for comments from the Planning Commission at this meeting that will be shared with the Town Board. Then a final draft of the ordinance amendments will be presented for a public hearing at your March meeting.

OPEN
SPACE



LOT
AVERAGING



10- ACRE
MINIMUM

