

TOWN of MAY
WASHINGTON COUNTY, MINNESOTA
SPECIAL MEETING MINUTES
July 25th, 2024

The Board of Supervisors of the Town of May convened a special meeting on Thursday, July 25, 2024 at 7:00 p.m. Those present included: Board members John Pazlar, Steve Magner, and Don Rolf; Clerk/Treasurer Bobbi Hummel; Planner Nate Sparks; Attorney Dave Snyder.

Notice was posted on the township's website and at the Town Hall more than 72 hours prior to July 25th, 2024.

The sole purpose of the special meeting was to continue discussions related to Liberty Classical Academy and consider an interim ordinance.

Board Chair John Pazlar reconvened the meeting at 7:01 p.m. (*original meeting date was July 11th, 2024*)

Planner Sparks summarized the discussion that occurred at the July 11th, 2024 Board meeting. The applicant provided responses to questions brought forth at the previous meeting and were reviewed, the compatibility of the use was reviewed against the comprehensive plan. The concept of an interim ordinance related to uses and facilities within the rural residential was discussed. An interim ordinance that creates a moratorium on non-residential and agricultural uses within in the rural residential zoning district and associated facilities is presented. The comprehensive plan does state that rural residential areas are intended to be residential and agricultural in nature as well as certain uses that are inappropriate. Within the town code there are uses such as resorts, recreational, commercial areas as well as schools that are allowed as conditional uses in the rural residential zoning district. There is a potential incompatibility in those documents, and it may be ideal for the township to study and decided if any action is necessary. The interim ordinance that addresses this has been drafted. It would create a moratorium on any requests related to one of those uses. During the moratorium the township would study the zoning ordinance to make sure the comprehensive plans intent is adequately reflected in the ordinances. If not, new controls would need to be adopted.

In 2021, a similar effort took place within the conservancy district. Some ordinance amendments were completed to make the town code consistent with the comprehensive plan.

The interim ordinance is before the Board for consideration tonight. If the ordinance is adopted, the process would begin. The 60-day rule for Liberty Classical Academy's application does expire mid-August.

The principal purpose of the interim ordinance is to study uses in the rural residential district, but if other inconsistencies are found in other zoning districts, changes could be made there as well.

Bill Griffith, Attorney for Liberty Classical Academy

Stated previously, a moratorium cannot be used to stop this project. In the memo, it is suggested that the applicant may continue their application for a year. It is absurd to ask LCA to set aside their property rights when they presented their proposal of expansion to the Board in May of 2023. Setting aside their property rights so the community can study if they want to propose some restrictions on their property is not what

the school intends to do. The school community has raised over 6 million dollars. This property is owned and operated as a school and simply wants to expand.

The school has proposed a modest expansion. 35,000 square feet added to the school. In good faith, they shared their future plans. Those future plans are contingent on fundraising, enrollment, and other things outside of their control at this point. Phase I expansion is before the Board. Previous Boards have already approved conditional use permits for institutional uses in this community - River Grove school - This is not a new path. This is not urbanization. This is a low-density proposal. A school on almost 80 acres of land on 2 sites. The building coverage is 2%, and only 8% when counting all hard surfaces. Almost all facilities in May Township are at grade level. The fears of urbanization are unfounded. The applicant will not allow the township to trample their property rights in order to impose greater restrictions on their property over the next year. LCA is committed to being a good neighbor, but will not sacrifice their property rights.

LCA reports the Watershed District approval is still under review until August. The MPCA review will be complete in early October.

Pazlar opened the public comment period at 7:22 p.m.

Patrick David 9175-107th St. Has concerns about changing the rules now and if that opens up the township to a lawsuit. Which could open the taxpayers up to increases.

- It became apparent in thinking through this, and other repeated requests, to ask staff if a revisit to the rural residential code make sense at this time.
- When the township becomes aware of an issue that may need to be addressed, the purpose of a study is to determine if modifications are necessary. A moratorium protects the planning process so you don't have to act on certain applications while the moratorium is in effect.
- The town code has 3 zoning districts. The code defines what can be done in each of those 3 districts. Some of those uses are from the 1960's or 1970's that were adopted from the county code. Those uses are sometimes generalized and undefined, and don't have performance standards attached to them. Sometimes an application can trigger questions about what is or is not permitted. The moratorium, if adopted, reflects and opportunity to undertake a study and evaluation. A moratorium can be less than 12 months.

Resident. How many mound systems can someone have on 10 acres of land?

- That is regulated by Washington County. It is driven somewhat by the septic installer, the nature of the acreage, and the use of the property.

Katherine Faltsek. 13093 Keystone Ave. When she moved to the township, they were able to do whatever they wanted to do on their land without issue. That is not the case any longer, it would not result in a lawsuit. When advised they couldn't do something on their land any longer...they said "OK."

Bill Wright. 12388 Keller Ave. What does the public engagement look like for a moratorium? It sounds like the moratorium is not necessarily setting new rules, but to make sure we're on the same page.

- It is public process, a series of public meetings will take place, feedback is gathered, and the township planner makes those changes as advised. Once the public is satisfied, a final draft is presented with the code language. Yes, in this process the township has to be mindful that code/zoning language aligns with what the comprehensive plan says. So much of the rural residential code language is decades old and it does not align with the comprehensive plan.

Jean Carr. 12288 Jody Ave. N. Would like to clarify that a school is not going on the property in May Township.

- The property is zoned rural residential and guided for rural residential use in the comprehensive plan. The current use of the property is agricultural, it is taxed as such and allowed. The requested use from LCA requires a conditional use permit. There are review criteria for a CUP and if the criteria are met, the town is required to approve it. If the criteria is not met, the town could deny the CUP. The towns' goal is to ensure the conditional uses of this zoning district and the permitted uses are consistent with the policies of the town and the comprehensive plan.

Heidi Harvieux. 12935 Jody Ave. N. Why, if phase I doesn't need this massive septic system, do we have to put that in now? Has there been an opinion from the PCA? Can it be a smaller system?

- The applicant provided future plans to help us understand why they are doing things the way they are. It is slightly oversized; in case something goes wrong. It is an industry standard. It required permitting by the MPCA because of the size. The MPCA process requires public input. The process is currently underway. The school facilities in May Township (the septic control building, the driveway to the building, a septic system, portion of a field, stormwater pond) wouldn't be allowed without a CUP. Anything outside of these things, would require an amendment to the CUP.

Cort Jerome. 1244 Keller Ave. N. Is there something in the comprehensive plan about the what this brings to the community? There are no taxes being paid, not everyone can afford to send their kids to the school. What if the school closes?

- Preserving the rural character is required by the met counsel. In addition, the requirements expressed by the residents of the town are included in it. The document focuses on preserving what is already here, not necessarily placing a value on specific benefits.
- The question about the success of failure of the school are not judgements that the town can, should, or would use in connection with the evaluation of the application.

(Inaudible), July Ave. Are you saying we can't consider the value to the residents?

- There is no present inquiry relative to the school. In the context of a moratorium setting, it may be relevant. One might ask if the community wants to see schools in the rural residential zoning district. The question of overall merit is something you tackle in the context of a moratorium, not in the context of a CUP application. It is additional rationale for considering a moratorium.
- The town code dictates what can be done in an area. It can not specify how it looks or what color it is painted.

Resident. If the moratorium is adopted, are we getting the time to discuss the current rules?

- Yes, if the Board decides to move forward with a moratorium.

Kelly Williams. Kimbo Ave. Upon moving her she read all the rules. It was a bad business decision for the school to purchase this property without knowing all the rules. The Planning Commission voted no on this.

- It is important to note - the Planning Commission did not vote no on the application. They choose not to bring it forward; no recommendation was made.

Terry Poirier. 10284-122nd St. There are 3 properties that surround the school/facilities. How would anyone like to look at that? He worked at the Withrow school for 17 years. He wants the school there, but nothing else.

(Unknown). Does Liberty's application meet the requirements of the CUP?

- That is a decision to be made by the Board upon review of the facts and application in totality. That decision has not been made yet.

Sherah Spark. 3377 Osgood Way N. Went to Withrow elementary. Her grandparents have land that surround the school. Her ask is to look at both sides with the understanding that there are kids that are affected by this decision.

(*Inaudible*). July Ave. Traffic concerns with future expansion.

Rebekka Hegstrom, Liberty Classical Academy, Headmaster. Addressing some comments: They did do their due diligence before purchasing the property. They would not have purchased the Withrow building if they couldn't expand. In May of 2023, there were no concerns when they presented their plans to the Board. The largest planned enrollment is 850 students, plus staff. They are committed to keeping it at that.

John McQuillan. 14221 Lynch Rd. N. There is a newer generation moving into May Township yearning for good schools. Encourages the Board to think about the future of May.

Whitney (*inaudible*). She moved to Grant to be in the Mahtomedi School District. Mahtomedi is also a great school in the area. If the residents of the community don't want a school here, they should have a chance to voice that.

Mandy McQuillan. 14221 Lynch Rd. N. Is the petition going around signed by all May Township residents? If residents outside the community signed it, does that make it irrelevant? Are we here because of the petition?

- Not from Chair Pazlar's position. We are here because of the impute from the public. It is good data but it does not drive what we do. We do take impute from people that live here and folks that don't live in the area.

John Hand. White Bear Lake. He is a teacher at Liberty Classical Academy. The school does serve this community, scholarships are available and everyone is welcome. One the table now is a small portion of a larger facility. Stopping that is not going to stop the school or prevent them from being in the location they are in. In the grand scheme of things, the part in May Township is minimal.

Chris Ecker. 9988 – 122nd St. It has never been said that the school shouldn't be there. We want the school, as a K-6th grade school. We do not want a huge campus in that location. It lessens the property value. It doesn't fit here.

Maria Robbins. Oldfield Rd. N. They homeschool their kids and is looking for the right education for them. She has entertained LCA and they could be an asset in certain ways. She lives near River Grove school, it is a small school. She lives on a road that they are not supposed to use. Her kids cannot ride their bikes on the road or go for walks because of the traffic issues. An 850-student school is huge in her mind. The community is at risk of development pressures.

Melanie Zahler. Her family owned the land the septic is proposed to be on. What does rural mean? She could argue that May isn't rural anymore, her grandfather would. Most people here have 10 acres that was purchased from a farmer - or a developer that bought it from a farmer. We knew there would be progress and that her family's land would never stay farmland. Who gets to decide when you get to sell your property and what you get to sell it for. Is it the owners or the neighbors? According to the rules, a school is an approved use of the land. If owners get to decide and the use is approved in the code, it should be approved tonight.

(*Inaudible*) Keats Ave. N. In favor of the moratorium. It comes down to simplicity. Do we, as a community who lives here, get to have determination of the direction development takes us? The moratorium would help with direction.

Marcus Brandt. 13120 Manning Tr. N. (*mostly unclear*). Questioning numbers of the students and a reference to Rutherford needing to run sewer and water lines to the site before they could build.

- In May township septic/water is governed by Washington County, due to the size and scale of this project other regulatory agencies are involved.

Angela Johnson. Heather Ave. N. Moved here because she wanted a rural area. When Liberty came to Hugo she had a shorter drive. She now drives to 2 campuses. The moratorium will delay how much longer the school has to build and she will continue to have to drive to separate sides of town to get her kids to school. The ask from the school is only about a small building and septic system.

Jim Kramer 7971-120th St. The supporters of the school are part of this community too. He has lived in Grant for 40 years. We are all valid. The school is important to his life, he has family in the school and is surrounded by neighbors that support the school. The road the school is on is dangerous without the school, not because of it.

Abigail Johnson. 12115 Heather Ave. N. Those of us that disagree and what the school here are not your enemies. Liberty is about building things that are positive. Part of the reason her family stays in the area is because of Liberty. She wants a small, rural school for her children and would like to partner with the community.

Mike Ripley. 12098 Parade Ave N. He and his wife have supported the school for 30 years and is fully in support of this expansion. Asks the Board to not vote for a moratorium.

A reminder to everyone that the Board tonight has governance over the infrastructure for wastewater treatment only. They do not have governance over performance specifications or the capacities of the system. The actual school is in Hugo. While there are Broader issues that impact the whole community, please be mindful that what is before the May Township Board is a narrowly defined set of requests for the CUP. The question is, does the request match with the rural residential code and is that code in alignment with what the public wants. More broadly, is that in line with the comprehensive plan.

Pazlar closes the public hearing at 8:31 p.m.

Thanks for the many calls, emails and citizen participation in grassroots government. The response has been great to see.

This has been a passionate issue on both sides. There seems to be unity in having a school, but disagreement on the size and location. One goal of zoning is for a community to identify how they want their community to look in the future. It has become clear throughout this process that the Township's zoning code isn't relevant for today. The moratorium would provide time to address some issues and define what the zoning should be to determine what the future looks like. It is a good thing to happen before the infrastructure is built. At this time, Magner is leaning towards a moratorium to give the Board and community more time. There is room given the MPCA won't take action until later this year.

Attorney Snyder reminds the Board that the draft moratorium specifies a 12-month timeline. The Board has latitude to set that for a lesser time, and extend it if needed. Also, the predicate for a moratorium must be that something is being studied. The Board should also be considering what this process will look like and it should be a fairly aggressive pursuit. Consider changing the word "commercial" to "non-residential" in the moratorium. Also, add the phrase "or expansion of non-residential uses" to page 3.

The length of time on the moratorium can be set for 12 months and be shortened if the study is completed sooner.

Magner would like to leave the time on this moratorium at 12 months given time constraints of consulting staff and Board.

In evaluating the applicability of a moratorium, Pazlar found the rural residential district currently lists 26 allowed uses. Many of them outdated and with no performance standards attached. Some are potential large and impactful uses. A recently completed moratorium in the conservancy district yielded 4 uses. The township needs to complete extensive work with the rural residential areas of our code book. This has been brought up by the Planner for years. A moratorium will give the township time and space to clean up the code book and bring the language to modern standard, give the public a chance to provide feedback on what they want in the coming decades, and align it to the comprehensive plan.

Pazlar motions to enact Ordinance 2024-02, An Interim Ordinance Authorizing a Study and Imposing a Moratorium on the Establishment of Institutional and Non-Residential Uses and any Associate Facilities Within the Rural Residential Zoning District.

(Amending the wording on the header on page 1 from Commercial to "Non-Residential Uses", and adding "or expansion of non-residential uses" on page 3.)

Seconded by Magner. By roll call vote: Magner YES, Pazlar YES, Rolf ABSTAIN. Motion passed.

Don Rolf abstains from voting as he works for the same design group that is working for Liberty Classical Academy.

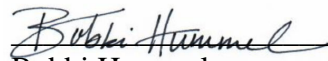
The applicant would like time to consider a response and consult with their Board of Directors for the school. LCA can accept the extension with the moratorium or the ask the Board to take action on their CUP application. The request is they provide a response before the August 1st Board Meeting.

Snyder recommends the Board have a detailed plan of action with milestones as you move forward with the moratorium.

Pazlar directs the Clerk to create a clean copy of the moratorium for publication and signature.

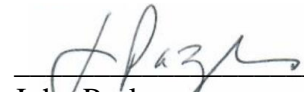
Meeting adjourned at 8:53 p.m.

Submitted:



Bobbi Hummel
Clerk/Treasurer

Approved:



John Pazlar
Board Supervisor, Chair