

TOWN of MAY
WASHINGTON COUNTY, MINNESOTA
OFFICIAL TOWN BOARD MINUTES
November 3, 2022

The Board of Supervisors of the Town of May convened their regular monthly meeting on November 3, 2022, at the May Town Hall. Those present included: Board members John Adams, John Pazlar, and Steve Magner; Clerk/Treasurer Bobbi Hummel; Deputy Clerk/Treasurer Marsha Olson; Town Planner Nate Sparks; Engineer Mark Ericson; Attorney, Dave Snyder and those with business before the Town. Chair Adams called the meeting to order at 7:02 p.m.

MINUTES

Magner moved, seconded by Adams to approve the minutes for the October 6th, 2022 Board Meeting, October 6th, 2022 Cartway Initial Damages Meeting, and the October 23rd, 2022 Board Workshop. By Roll Call Vote: Adams: YES, Magner: YES, Pazlar: YES. Motion Passed.

CHECKS AND TREASURER'S REPORT

Olson presented the Treasurer's report, showing total cash investments of \$1,735,591.38 of which \$724,370.19 is in investments.

Check approval of 21354 - 21392 and EFT 1022B, 1022F, and 1022S Adams moved, seconded by Pazlar to approve the above checks for payment. By Roll Call Vote: Adams: YES, Magner: YES, Pazlar: YES. Motion Passed.

PLANNING COMMISSION UPDATES

Planning Commissioner Co-Chair Don Rolf reported on the last Planning Commission. There were three public hearings at their October 27th, 2022 meeting.

1. Members recommended to continue the CUP application for Jason Jahnke.
2. Members recommended to continue the CUP for Long Lake Conservation.
3. Members recommended to strike the "camp, youth" paragraph in its entirety (the definition and category) on the draft of the zoning ordinance and comprehensive plan updates within the conservancy district.

The specific rationale for removing "camp, youth" was related to the amount of activity (overall impact) and road/traffic concerns that have been an issue in the past. The township does not have the infrastructure for it. There was discussion about possible mechanisms that would allow the Township to control some of the potential overuse, but traffic was a big concern.

201 SEWER SYSTEM

John Adams reports that the new pumps are in.

ROADS AND ENGINEERING

Nothing to report

VIOLATIONS/COMPLAINTS

Nothing to report

OLD BUSINESS

Zoning Ordinance and Comprehensive Plan Updates within the Conservancy District.

Officials explained that and conditional use permit (CUP) is transferable to the land (owner) and that the process to update the comprehensive plan and zoning ordinances within the conservancy district began nearly a year and a year and half ago. There is a 1992 and 2017 CUP that indicates a camp is allowable on the current Wilder property. Striking the “camp, youth” could possibly put the old language of the existing CUP at odds with the recommendation of the Planning Commission. Striking the definition could create and anomaly as the historical use of the property is important as they move forward.

Nate Sparks explained that the changes in the comprehensive plan is intended to better sync the transportation plan with the land use plan. The zoning amendment is intended to continue a long-term process in clarifying the uses within the conservancy district. The overall intent is to ensure that the uses that were historical and/or in existence in these areas were better tied to a definition in the code. If a CUP/IUP application or amendment came in the Township they would have ability to better define the uses and relate them back to the ordinances and comprehensive plan.

The purpose of the conservancy zone is outlined in the comprehensive plan as an area that has not been developed and the uses are allowed at a lower density and lower intensity. The goal is to preserve, protect and manage environmentally sensitive lands. Uses that have historically been in the area have been better defined and continued in the updates.

Public concerns surrounding language in the comprehensive plan and zoning ordinances in the conservancy district were addressed at length. Specifically, the language and allowable usages in the 1992 CUP. It is important to note, there is no application and the goal and focus is to update the town code to the uses that are important in protecting this area of the township.

Public Concerns

- Creating strong language in the code so allowed uses are clear
- Stewardship of the pristine land – long-term
- Overdevelopment
- Mission Creep in a potential user
- Wildlife in the area
- No limits on number of people allowed
- Vagueness of language in draft
- Emotional stress of continued meetings on community, make a decision tonight
- Meaning of what “youth camp” is today-vs-past vision of “youth camp”
- State of MN Building Codes-fire requirements, occupant limits of a building
- Potential damage from snowmobiles, jet skis, 4-wheelers
- Damage to pristine lakes

Supervisor Pazlar notes that the Township is here to protect and represent the community. This commitment has never wavered and still will not. The Township has been strong supporters of the school and still is. The Township has always tried to figure out a way to allow River Grove to operate as it is important to the community, specifically elementary. The goal is to get this code to work with existing and future uses.

Tim Healey thanks the board, counsel and staff. They appreciate the professionalism, clarity and diligence. Also, thank you to the community. If their dream becomes a reality, they will do everything in their power to be the kind of neighbor we all wish for. Their goal is the intentional integration of nature and natural conditions of land into their uses. Kids can experience all the beauty that Wilder Forest has to offer, they can stand in awe of Gods creation. The hope is to be a low impact on the land in natural conditions. They will work to protect and preserve the natural condition of the land. The intent is minimal impact. The plan is to utilize 11%-12% of the entire property. Campers will get an authentic outdoor experience. They continue to work with intercity parishes who only dream about an experience like this. They will work with the town during the CUP process, develop performance standards, if necessary, to meet the purposes of the conservancy district. Minnesota Catholic Youth Partnership will sign an operating agreement with Damascus, so they will work for them but MN Catholic Youth Partnership will control what they do. They are not Damascus. They will operate different than the larger camps in Ohio and the ones seen on YouTube.

Attorney Dave Snyder suggests this scenario: if someone was representing a buyer and a change occurred that excluded a youth camp but the buyer still proceeded with the purchase. First, consider the 1992 CUP that states Wilder is given a conditional use permit to operate a camp. CUP's from then are not well written or comprehensively detailed. It authorizes Wilder to operate a camp on about 1,200 acres of property. This 30 year old CUP establishes a camp on this property. Second, there is a federal act that at some level preempts local discretion when certain institutions ask for zoning changes. It is called Religious Land Use and Institutionalized Persons Act. This was adopted by congress in the face of what was planned to be opposition to drug and alcohol treatment centers, supportive housing services and religions entities that seek to establish infrastructure in cities and townships.

If the language on camps is not updated and the sale of Wilder goes through, the township will not have an updated set of standards by which to govern camps. The standards that any buyer will get are in a 30 year old CUP from 1992 or through a federal act which requires (among other things) a municipality to furnish them at least the same opportunity that a non-religious entity would enjoy and affirmatively remove substantial burdens to the practice of religion on a site. This is why, for example, you might see a church or mosque and a corner of a large agricultural field. It probably not consistent with the zoning or desire but there is a congressional mandate that says you don't have to do everything that is asked of you when a religious organization or institutionalized persons organization comes forward but if there are substantial burdens you need to address them and potentially remove them.

It may be an important issue when working on the objective criteria/language that would govern permitted uses in the conservancy district.

It also may be a good idea to look also at what requirements exist and don't exist for the school. That will mean something for the school.

We cannot know if the sale will go through but there are obvious paths for the potential buyer to proceed and the township has to be mindful of those paths as it looks at these changes.

It is important to note the CUP from 1992 states that a land owner can also operate a recreation area in the conservancy zone. It provides some general language but that language is incredibly vague. It is necessary to undertake this update.

Review of a CUP could include financial backing. It would be a hard look at proposed uses and how they relate to the activities on the site and the preservation. That could include height limitations, cutting limitations, traffic limitations and more.

If the board permits camps be allowed by a CUP...*(inaudible)* ... include criteria by which you judge those CUP then you would have an opportunity to bolster, enhance, or amend a pre-existing CUP. If you simply say camps are not permitted then the operator of the property has a decision to use the existing CUP and there may also be a discussion for using federal exemptions.

There are currently two CUP's on the Wilder property. One is for the school and the second is from Wilder, to operate a camp.

Supervisor Pazlar notes that there are positives and negatives of striking the language surrounding youth camps. He offers that there may be more work for the township to do in order to get it right and ensure the town is able to control future use of the land. The other option is to live with some of the outcomes explained tonight if the use is struck from the plan. He is happy to support either path based on what the community wants. For clarification, striking "camp, youth" would place the 1992 CUP in effect for any potential new buyers of the land as the CUP follows the land and never goes away.

The best path the town could take is to put itself in a position to consider what has historically been in the conservancy district...*(inaudible)*...interpretations of any CUP that doesn't strip the township of the ability to...*(inaudible)*...and to have a role in governing the lands. Mr. Snyder's opinion as to what would put the township in the best position would be to add language that authorizes a youth camp if there is strong performance criteria that addressed all uses. Leaving the use of youth camp in the ordinance opens the door for the township to control the uses of the land and uses of a potential camp within the conservancy district.

Chair Adams Motions to direct staff to draft performance standards around additional uses under the definition of camp, youth. Seconded by Magner. Motion Passed.

This issue is continued to a date/time to be determined.

NEW BUSINESS

Stormwater Improvement Project on Panorama. Mike Isenee, CMSCWD

Mike Isenee is here to update the Board on the Stormwater Improvement Project on Panorama. The townships original discussion with CMSCWD was a shared cost of \$60,000.00 for the improvement, but now those costs have potentially risen. The township would like an update from the 13 property owners who are in this stretch of road as to who wants to participate and who does not want to participate prior to committing to anything at this time. It is proposed to study the area and costs more and revisit this in the first quarter of 2023.

Supervisor Pazlar motions to commit not more than \$60,000.00 of township funds for the Panorama Project. If the 13 homeowners are not in support of this project, the Township rescinds their \$60,000.00 on this project. Seconded by Magner. Motion Passes.

Supervisor Magner motions to approve \$5,000.00 for a water survey on Panorama. Seconded by Pazlar. Motion passes.

The board requests a draft by December 5th, 2022 on this matter.

Meeting Adjourned 10:14 p.m. without objection.



Bobbi Hummel
Clerk/Treasurer



John Adams
Board Chair