

OWN of MAY
WASHINGTON COUNTY, MINNESOTA
OFFICIAL PLANNING COMMISSION MINUTES
October 27, 2022

The Planning Commission for the Town of May held its regular monthly meeting on Thursday, October 27, 2022, at the May Town Hall. Members in attendance were Chair John Arnason, Vice Chair Don Rolf, Members, Walt Peterson, Chad Nelson, Lester Rydeen, Alternate Mitchell Otterson, and Alternate Ted Nesse. Also present were Town Clerk/Treasurer Bobbi Hummel, Town Planner Nate Sparks, and Town Engineer Mark Erichson. Planning Commission Chair Arnason called the meeting to order at 7:00 p.m.

Minutes from April 28, 2022, Planning Commission Meeting

Rolf moved, seconded by Rydeen, to approve the April 28, 2022, minutes as presented. Motion passed.

Washington County Conditional Use Permit. Long Lake Conservation Area

Washington County presented an application to place two parking spaces on a 37 acre parcel that will open as a conservation area to the public. The area will be open from sunrise to sunset, archery hunting will be allowed, shotgun hunting for waterfowl on the southern pond (by special use permit only), hiking (no groomed trails), snowshoeing, and trapping. No pets, no camping. Alex McKinney, Parks Manager, Kevin Peterson, Design Engineer, June Mackowitz, Sr. Planner and Commission Fran Miron from Washington County are in attendance. Mr. McKinney states that this area has a high natural resource value and the county is working to preserve these areas. There are no planned signs to be installed the public roadway for this area.

The two proposed parking spots will be the only spots available, which will hopefully limit the number of people that can be on this site at any given time.

Neighbors, who would share a driveway with the proposed access road, are in attendance. He would like the Board to reconsider the placement of the parking spaces for this park. The proposed site is about 30 feet from his residential workshop, chicken coop, and fenced area for his dogs. While close to his property, the location is in a blind spot and he would not be able to see what is going on in that particular location from his house. He presented a map of three alternative spots for the parking spaces which he feels would be allow better access and potentially less costs of construction for Washington County as well as allow easy access for law enforcement.

Engineer, Kevin Peterson states that alternative sites were reviewed in detail. The largest consideration was safety and setbacks in accordance with May Township rules. Also, long term

road maintenance with gravel improvements necessary. He is happy to look at the alternative sites shared by the neighboring property owner and working with them to come up with a solution.

Trapping with a special use permit is allowable. Concerns are raised over trapping some animals. Trapping with a special use permit would be used if there were nuisance animals (beaver, muskrat) or environmental damage. Long Lake is a public water access, trapping is allowed. Washington County should be able to follow up with what is trapped if they have a special use permit. Limits would be necessary. Property signs are posted about every hundred feet.

Washington County cannot start construction until 2023. Commissioner Rolf motions, seconded by John Arnason to continue this application. Motion passed.

Jason Jahnke. 13455 Partridge Road North Stillwater, MN 55082

Land Reclamation Permit/Conditional Use Permit

Owner, Jason Jahnke, is bring fill to his land in a quantity that requires a Land Reclamation Permit. There is a grading plan from a licensed surveyor, the Watershed and Town had required changes and a revised plan has been submitted. The current revised plan, if approved by the Town, will go back to the watershed district for final consideration. May Township Engineer has reviewed and accepted the plan. The permit would be valid for three years, if the construction is not complete in three years a re-application would be necessary.

Concerns over the size of Mr. Jahnke's land and the size of this project are questioned. Mr. Jahnke's states his land is 5.023 and he states the threshold is 5.01 acres.

Neighbors Paul Creager, Bob Balzart, Chris Nisken, Warren and Linda Creager, Diane Gruber are in attendance to voice concerns over the length of time Mr. Janke has been working on improvements and the proposed additional length of them the permit will continue. Citing three more years of noise from construction equipment is troubling. Extended and late night noise from bobcats, trucks, and chainsaws is disruptive to the peace and quite of the neighborhood. Also noted is the talent and willingness of Mr. Jahnke to work with them to find a solution.

Neighbors are requesting more time to review plan, consider the proposal and communicate with Mr. Jahnke and find a solution.

Mr. Jahnke speaks to his work on the property stating that the property was overgrown, the land wasn't useable. In his opinion this is a small project and he has fixed many issues. He references the town codes as to the specific times he is allowed to use his equipment and he tries to stay within that timeframe. He has tried to work with neighbors as best he can. He states the prolonging the project doesn't make the work go any faster, it just prolongs the project. He notes a driveway

easement on the north side of the property that is not being used and that might be an option to get to the lower part of his property.

Commissioner Arnason notes 560 cubic yards of fill have been brought to the site already, and a plan to bring almost double that amount is requested on the permit. He is in agreement that perhaps extending the consideration of the permit to see if a solution could be found is a good idea. Mr. Jahnke states the fill brought in on site was in accordance with township codes to get the proper grades on the property. Chair Arnason states that this is a large project for a 5 acre parcel and the need to be considerate of the neighboring properties is important.

The estimated time Mr. Jahnke thinks he could complete the project is one summer, subject to the times he is allowed to run his equipment in the evenings. Mr. Jahnke requests use of some of his equipment so he can cut/move firewood for this winter. Chair Arneson explains that the Planning Commission does not have the authority to make any decisions and it is only a recommendation to the Town Board that he can provide tonight. The Town Board makes any decisions on this issue. He advised Mr. Jahnke to take this issue to the Town Board next week, Thursday.

A motion to continue this application is made by Chair John Arnason, seconded by Lester Rydeen in the hopes that the applicant and neighbors can come up with a working plan for the future construction of Mr. Jahnke's property. Motion Passed.

Comprehensive Plan and Zoning Ordinance Updates in the Conservancy District

Planner Nate Sparks outlined the following changes; the outdated and vague language of the 2018 Comprehensive Plan is in need of updating as the current language in the ordinance has created incompatibility of uses within the township. Specifically, within the Conservancy District. A need to re-examine the vision of May Township and the rural, natural, and scenic landscape of the area. This area has a lower density threshold. The goal is to strengthen language in the transportation plan and the land use plan. Also, a goal was to formalize language in the transportation plan to clarify that the township is not a paving township (with some minor exceptions). Gravel roads of the township will be maintained as part of the central character of the township. Requested uses that endanger a change in policy should not happen, this update will stop that from happening. Transportation thresholds need to be added/changed/limited within the Conservancy District. Special to May Township are scenic and rustic roads and there needs to be specific traffic thresholds in place to maintain the use and overall condition of the roads. Definitions are also updated in this proposal with a goal to create allowances with strengthened language for uses, but uses that fit within the scope of allowances.

Questions from the Planning Commission: Would a youth camp fall under the education center definition? Could we remove youth camp and have everything fall under educational center?

With the goal to preserve the area a camp may not fit as we look back on what camps were in the 1950's what they are now and what they will be in 30 years. What does that look like for May Township?

Nate Sparks clarifies that the Conservancy District is a 1 unit per 20 acre density designation. This zone could switch to residential but it would be a 1:20 density.

Public concerns are among the following specifically to the "Camp, youth" definition as it relates to the potential sale of the land of what is currently Wilder Forest:

- The number of people a potential "camp, youth" could bring to the township
- The definition does not address traffic count and sizes of groups in the definition
- Conservation and protection of May Township
- Scope/size of a potential camp
- Extensive usage of Square Lake
- Noise in the area
- Water quality
- Tax exempt status. Consider PILOT as an option
- Fire risk in the area. Lack of firefighters in the nearby area
- Disruption of beauty and peacefulness
- High volume of potential non-local visitors
- Understanding of lake rules
- Future uses seem incompatible with May Township
- Traffic noise, bus traffic
- Enforcement issues
- Environmental impacts
- How land use impacts the entire community and kids
- Square Lake aquifer, sewage issues. Overall quality of the lake
- What happens to River Grove School, the only school in this area
- Residents are given time to "have a say" in this matter if changes are made
- Making sure that the new language in the plan is "tight"
- Number of permanent residences would be on-site if a camp is allowed
- Outside influence on the community
- What does "youth" mean. Up to 18? Up to 21? Claimed as a youth?
- Ambiguity of "camp, youth"
- Exclusivity of specific denomination
- Definition is too "loose"
- Uniqueness, sensitiveness of the area will be lost. Kids will lose it.

- Concerns about camp activities as it relates to Conservancy District
- May Township will lose its uniqueness, character, and its appeal

Youth camps have been allowed in the township for quite some time. This new definition combines two general definitions and is designated/limited to “youth” which would allow limits to younger/smaller groups and limited traffic. Camps have been utilized by both Warner and Wilder in the past and it remains. The changes of the language have the effect of narrowing the permitted uses rather than expanding them.

The removal of “Nature Center” from the proposed changes does not mean that a use similar to Warner Nature Center would not be permitted. Nate Sparks confirms that is true. The uses that are allowing unlimited access is sought to be removed. The former definition of “Nature Center” had no ability to cap the usage. Moving forward, we do have the ability to cap usage on schools or camps with the term “youth”. Based on head count and traffic with specific ages/grades. This ties into the density allowances of 1 to 20. Impact allowances would be similar to each other and could relate to each other.

The sale of Wilder Forest is a private transaction, the Township does not have any say in the potential sale of the land. The Township only has a say in what the buyer does with it after the purchase is complete and an application for use comes to the Township. The Township will then determine what is compatible/incompatible within the Conservancy District.

Enforcement has been an issue. If a large-scale usage operates above the guidelines, the Township would need to contact the attorney and determine if revoking the CUP is an option. The legal process of that would need to be addressed by the Town Attorney.

It is suggested that any applicant for a CUP be asked to demonstrate the type, level and timing of a proposed use to ensure that it would not degrade the sensitive environmental features in the Conservancy District. The Township needs to be very specific about what the environmental sensitivities are.

Tim Healey, Minnesota Catholic Youth partnership, confirms that they currently have the Wilder property under contract and are looking forward to moving forward with this process. Their mission is to continue the good work and tradition of Wilder Camps. They envision a summer camp with weekend confirmation retreats September through May. They value the beauty and environmentally sensitive nature of the land and are committed to protecting it. They are focusing their camp in the village area only. They are not proposing to build a lodge on Square Lake and have talked to Big River Farms with no intention of moving them. Campers will mostly be coming in on busses from churches from Burnsville or Edina. He believes the current zoning code and

comprehensive plan sufficiently meets the purposes of the conservancy land use designation in the district. It is their request that the Planning Commission not recommend any changes at this time. If needed, additions can be placed on future conditional use permits to address any specific/unique concerns related to any uses. Upon review, the language contained in the defined conditional use touched on the type of user rather than the type of use. He believes this and other items are arbitrary. They look for clarity on the substance of the uses and activities that are proposed and permitted with each issuance of a conditional use permit. For example, youth camp, the definition appears to have some language not from the Minnesota statute. It states the facility establishes and maintains temporary living quarters for minors... (*inaudible*) it does not include a facility which offers lodging and/or food adults. He would like to get clarity and confirmation of a defined use that would not exclude temporary living quarters for adults... (*inaudible*). As far as educational use, he understands the desire to not provide short term rentals, they have no interest in that. But he is wondering why there is an exclusion for overnight stays for activities that otherwise will align for the purpose of the Conservancy District. Conditions can be placed on a CUP to address any unique situations and concerns that may come up that would align for the Conservancy District. Also noted are inconsistencies and conflicts between the defined uses and activities that are proposed. There could be clarity on day camps without lodging that are excluded in the youth camp definition but included as a use under the definition of educational center. Also, a conflict between the youth camp and the exclusion of auxiliary programming. Mr. Healey asked that the plan not be amended as proposed. Mr. Healey has prepared some alternations/recommendations for the Planning Commission.

A resident asked if there is any way to define the future land use in such a way that would eliminate the need for CUP's. Essentially making sure that a potential user could not go outside the defined uses. Chair Arneson shares that the goal of this process is to ensure the definitions in the comprehensive plan is consistent with the uses in the area. The idea that if someone were to come forward with a use that was not consistent with the comprehensive plan it would be difficult for the user to get it approved.

Traffic levels as a manner if measurement may be incomplete. Limiting traffic may not do a good job of getting the land to be used in the way the township wants it to be used. As someone stated in a previous meeting traffic overages are almost unenforceable. If we are basing everything on traffic levels there needs to be clarity on that in the revision, it may be a future problem. Gravel/roads is important, but educating kids should be a higher priority.

The town has always been very supportive of the school, but does not have any authority to help the school stay in its current location should the site of the current school be sold.

The definition of youth camp opens up a possibility for various types of camps. Some camps whose mission and vision might be different than what fits best for May Township. Uses that may not be consistent with the definition. Paintball, raves, ziplines are not conserving the land. The simplest answer is sometimes the best solution: consider completely striking “camp, youth” from the updates.

Pat Regan of Hastings, MN is a Board Member of Minnesota Catholic Youth Partnership, states he operates busses in Dakota, Washington, and Ramsey Counties. He grew up in the bus business. He is an active Catholic Evangelist. He asks you take him for his word that he agrees, on a personal level, about the value and the worth of the River Grove School. May Township has a right to be proud, extremely zealous, and protective of that wonderful asset in May Township. That being said, River Grove School does not have any property rights to this property, per the terms of a private lease agreement. There lease is expiring. May Township has nothing to do with it. May Township has a right to be proud and hopeful for the River Grove School, but Wilder Forest has agreed with us legally, under certain conditions, for a purchase agreement (including a permit for a CUP). There is no question that the financial transaction will not go through if we don't get a CUP that is acceptable to our camp. The message to the Planning Commission and the Board is that they are asking for a youth camp, that is what the CUP boils down to. They understand the traffic concerns and will be fully compliant with Washington County's septic regulations. The currently septic system is out of compliance and the lease for the school's operation is expiring. Mr. Regan questions were the Manitou Fund representatives are tonight. They are happy to work with River Grove to find a solution to the issues they both have to solve. There might be ways to have this work the best for everyone.

John Arneson asks for clarification/plans for operations on the site. Mr. Healey clarifies that they are not Damascus, they are based out of the diocese in St. Paul/Minneapolis. They do have an operating agreement with Damascus. The camp has not committed to any specific activities. They have talked about a high ropes course, low ropes course, there is a climbing wall on campus that they would use for sure. No zip line is planned. A lot is yet to be determined. Mr. Healey states that there is a lot of mis-information right now, specifically mentioning numbers of campers (500 just in the summer). September, December, January are typically quite, there will be a lot of down time. Mr. Arneson agrees that at a future meeting would be a time to consider specific details of any plans the camp may have.

A motion to close the public hearing is made by John Arneson, seconded by Lester Rydeen. Motion approved.

For clarification, Nate Sparks states that if the Township were to have a youth camp outside of the Conservancy District, that it could potentially fit as a commercial use.

Asked if he would change anything in the proposal after this discussion, Nate Sparks said he would not.

Asked what would be his hesitation to assume a youth camp or day camp would be able to be accepted in the educational center definition. Mr. Sparks states that the educational center was intended to be defined as uses for people who would come to a property for the day, the camp would be lodging overnight.

There are concerns with what an approval of youth camps in the township would look like for the Township over the next 30 years. In a community that typically does not allow commercial uses because of the rural nature of the Township. The schools do not have overnights the educational center has no overnights, the feeling is that if we are going to allow commercial use in a somewhat commercial manner it should be for educational or scientific purpose, specifically. This shouldn't just be a playground for campers. Perhaps everything that encompasses youth camp, other than the overnight services, can be found in the definition of an education center. Overnight lodging may not be consistent or would be incompatible with the nature of the conservancy designation in the Township.

The educational center definition refers to a non-profit center which is designated and intended to serve groups. The youth camp definition does not specify non-profit. Could the agreement be made that if it is not non-profit than it is commercial and therefore is prohibited by other provisions of the code. But it does not expressly state that in the changes. If the property in question was not in the conservancy zone, would it be considered commercial.

It is acknowledged by a Planning Commission member that camps are a great opportunity for kids and he has witnessed some great things come out of an experience from kids attending camps. They are something that is carried on in the child's life. However, the overnight use is not something that he would be in support of.

The overall impact to the area and what the activities are would be an important piece to have. Overnight stays are a concern, how do you control the area.

There has been a historical use of a youth camp in the past. What is the Townships obligation to permit youth camp use at this point. Attorney Snyder would have to be asked this question but historically, the camps were day camping. It has been a long time since overnight camps have been recently or continually utilized at this particular property.

The primary issue seems to be the overnight stays, limiting it to a day camp or striking “camp, youth” entirely would be the options. Everything could then fall under educational center.

There is a struggle with a substitute for the term youth camp. Camp has a lot of definitions and it is the best intent to limit the intensity and use of the property - whether it is a school, an educational retreat, or a religious retreat. To help maintain the intensity of whatever it ends up being, we need to make sure that restrictions are in place as part of a conditional use to ensure it doesn't exceed what we want. Boundary's on number of people, days of use, people hours, no overnights stays, or camping. It is good that it is defined as part of the educational center where it is non-profit, if it is a for profit, it really should be in a different category.

Other changes are the traffic limits on rustic roads needs to be changed from 275 to 250. This was a typo and Nate Sparks will update it prior to final approval.

Walt Peterson makes a motion to recommend they strike/drop the “camp, youth” paragraph in its entirety (the definition and the category) and approve the rest of the updates. Seconded by Lester Rydeen. Motion Passed.

Chair Arnason adjourned the meeting without objection at 9:58 p.m. in his authority as chair of the Planning Commission.

Respectfully submitted,



Bobbi Hummel
Clerk/Treasurer