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AGENDA
TOWN OF MAY
PLANNING COMMISSION
February 25, 2021 at 7:00 p.m. via Zoom

Join Zoom Meeting
<https://zoom.us/j/6595941012?pwd=d2ljZGhVS1BFVVJjdElqbzRnQk1Pd09>

Meeting ID: 659 594 1012

Passcode: River

Dial: 1 312 626 6799

Meeting ID: 659 594 1012

Passcode: 558169

- I. Call to order**
 - a. Review and approval of minutes from January 28, 2021 PC Meeting

- II. River Grove, a Marine Area Community School's Requested Amendment to CUP**
(April 17, 2021 Deadline)

ADJOURN



NORTHWEST ASSOCIATED CONSULTANTS, INC.

4150 Olson Memorial Highway, Ste. 320, Golden Valley, MN 55422
Telephone: 763.957.1100 Website: www.nacplanning.com

MEMORANDUM

TO: Town of May Planning Commission
Town of May Board Chair and Supervisors

FROM: Nate Sparks, Town Planner

DATE: February 22, 2021

RE: Wilder Foundation – River Grove Marine Area Charter School - Conditional Use Permit Amendment – Expansion of Usage – Updated Information

Background

The Planning Commission held a public hearing at the January 28, 2021 meeting for a CUP Amendment regarding River Grove, the Marine Area Charter School (MACS). MACS made an application to amend their conditional use permit (CUP) to allow for increases in the approved capacity of the site. The school is seeking an increase to the following:

- Maximum number of people days per year (47,000 to 60,000)
- Maximum number of people on site at any one time (235 to 350)
- Allowance for events with up to 500 people on site
- Maximum number of vehicles visiting per day (100 with 6 being buses to 250 with 8 being buses)
- Allow use of all seven buildings in the campus (currently restricted to five specific buildings)

The Planning Commission tabled the request to allow for Town Staff to discuss some matters related to the application with the applicant. Staff met with the applicant's representatives on February 11, 2021 to discuss the request and obtain more information. The School is preparing some additional information.

Updated Information

As all Planning Commissioners are aware, the request before the Commission requires a thorough review and thoughtful consideration. The proposed school expansion touches on several topics of potential concern for the Town.

Parking & Special Events

The issue related to parking and special events was further discussed. Staff expressed concerns about the usability of some of the overflow parking areas. The MACS representatives offered to limit the special events to 300 people to better fit within the parking demand. The representatives also stated that they did not have firm plans for weekend or evening activities and that third party usage was restricted for charter schools and should not be a concern.

Full Capacity of School

Town Staff requested more information around the full, total number of students proposed at the site. There has been mention in the past of expanding to a junior high. Rather than having repeated expansion requests, it would be best to view the full breadth of what is being sought. MACS representatives stated that they have no current plans to go beyond this request.

Purchase of the Site

There has been mentioned the possibility of MACS to purchase the site from Wilder. The MACS representatives said the school is unable to be a buyer of land or building. They would need to get a non-profit started and through the Township, apply for state funding. They currently have no partners for this effort.

Structures on Site

MACS said they have no plans to externally modify, raze, or construct any new buildings. It was requested that flood plans be supplied for existing buildings and proposed modifications, as that is standard with a conditional use permit review and could help the Town ascertain capacities and potentials of usage.

Marine School Building

MACS feels River Grove's appeal is so unique they will not lose population to a new school in Marine on St. Croix.

Origin of Students

Regarding the location of students, they are unable to commit to exact locations in the future because kids change. Their data on the origin of students is current. Of the current student body, 46 students are May Township students. They are not sure if they are all from one family or 46 different families. Of the 196 total students, 46 are from May.

Summer Programs

The summer enrichment program is for River Grove students. They are unable to comment on the number but said they would get us that information. They were also going to check with Wilder to see if there were any other plans for the site during their off-season.

Use of Site

It had been asked if there was a way to allow for area residents to use the site for walking since the road is getting busier. MACS said that was more up to Wilder and there could be concerns related to other parties using the site.

School Funding

MACS said all charter schools are public schools and they get different grants from the Minnesota Department of Education and from the Federal Program. It is a combination of a number of different funds. Given the demographics of the school, it was estimated to be the lower end of the \$8-9K per pupil rate. They said River Grove needs to reach an economy scale to be self-sufficient. They said school funding goes up 1% a year, whereas costs go up 2%-3% on an annual basis. Somewhere along the line it is going to reach a tipping point where the number of kids will not cover the increased cost of education. They said the 300-350 kid number is feasible. Below 300 students is not.

Septic System

Staff has reviewed the Wastewater System Capacity Assessment prepared by SD Consulting Group. There are two existing septic systems in the report and are identified as the “large system,” constructed in 1982 and the “small system,” constructed at an unknown date. These systems are proposed to accommodate the 300 students and 50 staff. This is an important component of review for the application before the Town of May. Staff’s review of the Wastewater System Capacity Assessment, dated October 5, 2020 identified a number of concerns and can be summarized below:

Soils - They didn’t determine the depth of the drainfields, but identify redoximorphic features (features created as a result of saturated conditions in the soil) at 30” per their borings. Considering a compliant system installed before 1996 requires 24-inches of separation from redoximorphic features it is not likely the system is compliant. After 1996 or in a shoreland or wellhead protection area the separation from redoximorphic features is required to be 36-inches.

Flow - Flows generated by the school were calculated using 10gpd. MN Rules and Washington County ordinance required 14gpd, 18gpd if there is a cafeteria, 27.5gpd if there is a gym with shower facilities. The use of 10gpd as outlined in the Wastewater System Capacity Assessment identifies the system having capacity for 328 students and staff, however the number is significantly less using the correct flow criteria.

Septic Tanks - Further existing system limitations can be found with the septic tanks. For the “small system” they assumed it was a septic tank. It appears they didn’t pump the tanks to determine if it had baffles. If it doesn’t then it isn’t a septic tank and it is letting solids into the pump tank then out to clog the drainfield. The “large system” was identified as having baffles. MN Rules 7080.1950, subp.7 requires that the septic tank be 3 times the daily flow if the drainfield is receiving sewage under gravity flow (from the sewer), and 4 times if it is pressure flow (if they have a pump in the building sending the sewage to the tank). This is not being met for the proposed expansion. Between this and the flow above, the system capacity is less than what can accommodate the proposed use.

We have also requested the number of individuals discharging waste to each the “small system” and “large system” based on the buildings that drain to each system as each system would be required to be sized appropriately and not review the requirements as a combined system. Staff has also requested identification of where the well/water lines were located and to provide any water testing that has been completed.

Traffic

From an overall perspective, we have reviewed the traffic study prepared by SRF and agreed with the trip generation from the school. Traffic counts completed by the Town were in alignment with the assumed traffic in the SRF study without the school present, but the Minnesota Food Association was not likely in use at that time of our counts. We had some questions related to the MFA’s use and the traffic generated, however based on our understanding is not likely a significant factor. It would be expected that there would be overlap of traffic generated from the two uses in spring and fall and the traffic on the roadway could be slightly understated. With full build out of the school, traffic on the west leg of Oldfield Avenue is increased to 320 vehicles per day and 320 vehicles per day on Ostlund Trail.

The change from 40 vpd to 320 vpd or greater is a tremendous increase and will have an impact on the existing gravel roadway. The condition of the gravel section and paved sections of roadway leading to the site have noticeably deteriorated since the school began its operations at this location. It is uncommon to see schools with their access coming from gravel roads, particularly generating the volume of traffic identified. The increase in traffic will significantly increase maintenance requirements on the roadway. The MN LRRB had completed a study working with MNDOT the U of M Local Technical Assistance Program on when considerations should be made to pave a gravel road. The number identified in the LRRB study identified 200 vpd when maintenance costs are significantly increased and should be a candidate for paving. Beyond maintenance, other factors such as safety, user experience, vehicle damage, and dust are common issues with high traffic volume gravel roads. Further evaluation of roadway width will be required once conditions allow, however we have heard concerns related to the roadway width from property owners related to oncoming busses in areas where there are curves. Width appears to vary along Oldfield and Ostlund with many areas being approximately 20-feet in width based on earlier measurements.

It is staff’s recommendation that should approval be granted, a condition of approval would be to pave the gravel sections of roadway and mill and overlay the paved section of roadway, meeting various design standards for width and drainage etc. Additional signage and other efforts should also be required in an effort to limit the use of the south leg of Oldfield Road. These topics were discussed with the applicant’s representatives. They indicated they will be providing what means they have to pay for these improvements.

Road Classifications

As part of the consideration related to the road maintenance is the classification of the roads. The east-west portion of Oldfield Road is classified as a “scenic roadway” by the Comprehensive

Plan. This road classification is intended to be gravel and have trees close to the roadway. The Town currently has no specifications for how this road classification would be paved. This would need to be developed. This process would result in an amendment to the Comprehensive Plan.

Ostlund Trail in this area is a regular local road and would need to be evaluated. The road may need to be widened in places in addition to paving.

The north-south portion of Oldfield Road has had issues with increased traffic, as well, despite not being an approved route to the site. The paving project would likely result in less users of this road segment.

Notes from Arnason:

1. Since the school is very tied in with its location in the woods and I believe tries to teach its students about the environment and conservation, etc., they should have an interest in trying to preserve the environment. One way to do that is to reduce the carbon footprint of the school and those attending. I do not think it is unreasonable for us to ask the school to come up with some creative proposals on how they can reduce traffic levels. Maybe that is increased use of vans or buses. Maybe it is requiring parents to carpool their students. There are likely other alternatives. But they should be willing to do more than just come to us and tell us they want X number of students and studies show that will cause Y car visits, and then ask us to approve that. What they are asking for is a fairly intense use in the conservancy district, so they should be working on solutions to make it work. And if the families on the waiting list are as anxious as they seem to be to have their kids attend school in this unconventional setting, they should be willing to accommodate some unconventional transportation solutions.

They discussed a possible commitment to a certain percentage of students arriving by bus but it was conceptual. Town Staff brought up concerns about the septic causing pollution.

2. In terms of road maintenance, I believe their application was very vague about considering possible contributions to the costs caused by increased traffic. If we really want them to contribute, I think we need to pin that down as part of the approval process. We should define what they will pay, when, what triggers their contribution requirements, etc. Based on what Bill said at the last meeting, that is basically what the board did years ago that got them to pay for paving that one section of road when their use hit a certain level. If we approve their request without getting agreement on this, then their incentive to make any contribution goes away.

Town Staff brought up that it will be the recommendation that the School pays for paving and a mill and overlay, if approved. The other traffic on the road is negligible compared to their use and maintenance is needed.

3. On a semi-related note, some of the neighbors expressed concern about traffic levels and safety for walking/running/etc. along the traffic route. Wilder has road frontage all along

Oldfield and Ostlund Trail. They also have a number of trails throughout the property. Maybe in order to alleviate some of the safety concerns, they could put a trail along the road for public use so that pedestrians (and maybe bikers) would not have to be on the road. That seems like something that would be appreciated by the neighbors and would show that they are contributing to solutions rather than just putting the burden on nearby residents to deal with the increased traffic.

They said this would be up to Wilder and brought up concerns related to third party users using charter schools that may be not allowed.

There was a discussion about how the School was pushing for a quick decision but that was not necessarily something the Town could do.

Requested Action

Town Officials will need to consider whether the use is consistent with the CUP review criteria and the Comprehensive Plan. The Town has already approved a school for the site with more limited levels of activity. The applicant would like to expand the permitted levels of activity. They have a track record of usage which can be partially helpful in analyzing this request.

Related to the expansion, Staff has identified some compatibility concerns with the higher levels of usage. The traffic levels and parking demand have increased to a level that may be viewed as no longer compatible with this site and its environs. The road system within this area is built more for local traffic usage. Previous users of the site had primarily limited traffic by using buses. The School uses buses but still has traffic generation above what may be capable of the local road system. Also of concern is the suitability of the existing portions of the roads leading to this site. The roads are narrower than typical two-way traffic standards in places and may merit improvement. How to balance this existing situation with the proposed expansion is an important consideration. As it stands, it is somewhat difficult to ascertain how the increased levels of traffic and activity may be compatible with the existing road system as is.

The other factor related to the expansion of great concern is that of the septic system. The system appears to be out of compliance and not capable of directly meeting the demand.

If Town Officials find this amendment to be meeting the general CUP review criteria, it would be acceptable to approve this request. It would be recommended that the approval be possibly conditioned on the following:

1. Special events shall be limited to two per year. The maximum number of visitors allowed to attend a special event would be limited to 300.
2. Outside users shall be eliminated from the permit and given separate consideration to analyze their usage and impacts. The School would be the only permitted user of the site including Summer, weekends, and evenings.

3. The bus parking area and fuel storage shall be moved to an independent location outside of the parking lot.
4. No parking shall be permitted along internal access drives.
5. The septic system shall be brought into compliance.
6. The gravel sections of Ostlund Trail and east-west Oldfield Road shall be paved in accordance to specifications as approved by the Town.
7. The paved section of road near the entrance to the site shall have required maintenance.
8. All comments from the Town Engineer shall be met.

If the Planning Commission would like to have more detailed information, the matter could be tabled again to the March meeting. Otherwise, a recommendation should be prepared for the Town Board.

Linda Tibbetts
Clerk/Treasurer
Town of May
P.O. Box 60
Marine on St. Croix, MN 55047-0060

RECEIVED FEBRUARY 22, 2021
BY MAY TOWNSHIP

Dear Ms. Tibbetts:

I am writing in response to the recent Township inquiry regarding modification of a conditional use permit for the River Grove School and the regulations applicable to this proposal.

The assessment performed by the hired engineering firm, SD Consulting Group, does not meet the standards required to determine the performance of the existing septic systems and ability of these septic systems to accept, treat, and dispose of any additional wastewater in a regulatory compliant manner.

In addition, there are other unknown conditions related to the current septic systems that should be investigated in context of current regulations that would help both the township and county ensure current and long term onsite wastewater treatment for this property, prior to approving land-use changes that could result in increased wastewater generation.

Specific issues not addressed in the SD Consulting Group septic system assessment:

- 1) The Capacity Assessment Report used a flow of 10gpd/person to determine wastewater flow.
 - a) Table II in Washington County Ordinance #206, Chapter 4, Section 12.7 states the estimated flow per student is 14 gallons per day (gpd)/student for a school without a cafeteria, gym or showers and 18 gpd/student for a school with a cafeteria but no showers or gym. Additionally, employees should be estimated at 15 gpd/per 8 hour shift.
 - b) Using the above values, found in current regulations, the flow of the proposed expanded school would be 4,950 gpd for 300 students and 50 employees in a school without a cafeteria and 6,150 gpd for a school with a cafeteria.
 - c) The above estimates should be used here as there is no actual measured flow volume data for this facility.
- 2) The size of the smaller system is unknown and therefore any estimates regarding capacity are unreliable.
- 3) Based on the estimated flow above, the assumed tank sizes are systems do not have the required tank capacity of 4 times the design flow required for systems receiving sewage under pressure in Washington County Ordinance #206, Chapter 4, Section 13.8.
- 4) Soil testing done during the Capacity Assessment found periodically saturated soil at depth between 30" and 48". Required soil separation for septic systems in shoreland area is 36" as stated in Washington County Ordinance Chapter 4, Section 4.3 (4). Although the depth of the existing drainfield trenches was not determined during the assessment, any subsurface soil treatment will not meet this above requirement

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Given the identified issues, and the requirements laid out in Washington County Ordinance #206, Chapter 4, Section 6.3 (3) which requires that any change in use of a facility served by a septic system, requires a permit from our Department we would also require that any increase in site use or capacity or wastewater generation is preceded by an MPCA compliance inspection of the system to ensure it is adequately treating wastewater.

We would also need a more detailed assessment and report from an MPCA licensed septic system design business that makes more concrete determinations and measurements of the existing systems and their capacities to ensure they are of sufficient size and construction to allow it to treat any and all additional wastewater to be generated by the proposed changes to the facility.

The compliance inspection and system assessment must to be completed in compliance all current regulations, including both those imposed by the MPCA and Washington County.

If you would like to discuss any of the information above or have any questions regarding our concerns please contact me by phone at 651-430-6691 or email at: gary.bruns@co.washington.mn.us

Sincerely,

-Gary Bruns

Gary Bruns
Environmental Program Supervisor