



NORTH OAKS
HOME OWNERS' ASSOCIATION

May 9, 2019

Mr. Gregg Nelson, Mayor
Council Persons: Rick Kingston, Martin Long, Kara Ries and Katy Ross
City of North Oaks
100 Village Center Drive, Suite 230
North Oaks, MN 55127

Re: East Oaks PDA
Nord and Anderson Woods Proposed Developments

Dear Mr. Mayor and City Council Persons:

This evening the City Council will consider whether to give preliminary approval to the Nord and Anderson Woods Developments, as proposed by the North Oaks Company, LLC.

The City's Planning Commission reviewed both proposed developments last week and voted against approval of both the Nord Development and the Anderson Woods Development.

1. Introduction. Both the Nord and Anderson Woods Developments are governed by the 1999 East Oaks Planned Unit Development Agreement (the "East Oaks PDA"). The City and North Oaks Company requested that NOHOA consent to and join in the East Oaks PDA with respect to roads, trails, open space and recreational areas governed by the East Oaks PDA. NOHOA agreed to do so and signed the Consent and Joinder.

Subsequently, there were seven amendments to the East Oaks PDA approved by the City and North Oaks Company. NOHOA was not asked to approve, did not consent, and is not bound by any of the seven amendments.

NOHOA has been consistent in its position and has told the North Oaks Company, Planning Commission and City Council that, so long as the proposed developments in the East Oaks area are consistent with the 1999 East Oaks PDA, NOHOA will agree to expand NOHOA's boundaries to include the new developments and accept the maintenance and management responsibility for the roads, trails, open space and recreational areas.

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2. **The City Council's Role.** Tonight, the City Council will vote on whether to approve the Nord and Anderson Woods Developments. In so doing, it will exercise its authority over the subdivision and development of land within the City.

However, unlike a traditional City, the City Council will make decisions with respect to roads, trails, open space and recreational areas, all of which will be private, not public, and for which NOHOA, and not the City, bears the entire management and financial responsibility.

The City's website recognizes that North Oaks is a unique community in which the City owns no property, all the roads are private and NOHOA owns the parks, trails and other recreational amenities.

Yet, too often, decisions that affect NOHOA and its members are made without consulting with NOHOA, as evidenced by the seven amendments to the East Oaks PDA.

3. **NOHOA's Position on Preliminary Plans.**

A. **The Nord Development.** NOHOA made it clear to the North Oaks Company and the City that the proposed Nord Development does not comply with the East Oaks PDA.

The East Oaks PDA establishes a consistent road plan in which all roads in the residential areas are non-connecting roads. None of roads, including the road serving the Nord development, connect to other roads within North Oaks.

The East Oaks PDA reflects a consensus by the City, North Oaks Company and NOHOA that East Oaks area is to be developed in a way that avoids adding additional traffic to the narrow, winding private roads within the interior of North Oaks, many of which were established decades ago.

If the City Council approves and the North Oaks Company moves forward with a connecting road in the Nord area, NOHOA will not expand its boundaries to include the Nord area and will not accept any of the roads, trails or recreational areas within the Nord Development.

The homeowners within the Nord Development will not become NOHOA members, will not be entitled to enjoy the recreational facilities and other amenities that come with being a member of NOHOA, and will not be entitled to travel the private roads within North Oaks.

If, however, the North Oaks Company resubmits its preliminary plan with a non-connecting road, consistent with the East Oaks PDA, NOHOA will reconsider its position and, as long as the other details are consistent with the

East Oaks PDA with respect to trails, open space and recreational areas, NOHOA will agree to expand its boundaries and accept this Development within NOHOA.

B. The Anderson Woods Development. NOHOA has been asked to review the preliminary plan for the Anderson Woods Development. NOHOA has confirmed that the trail locations in the development are consistent with the 1999 East Oaks PDA. NOHOA retained its engineer to review the plan with respect to the "hammerhead" road configuration. NOHOA's engineer concluded that the proposed hammerhead is not the preferred turnaround for this dead-end road location and recommends that a standard cul-de-sac be constructed.

CONCLUSION

In a community where all of the roads, trails, open space and recreational areas are private, the City's role is unlike that of any other city in Minnesota. North Oaks was established as a private community with limited governmental involvement. It is NOHOA and its members that bear the financial responsibility for maintaining and managing the use of the roads, trails, open space and recreational areas.

So, in exercising its authority tonight, the City must consider that, if it acts in a manner that is inconsistent with the 1999 East Oaks PDA and approves a connecting road in the Nord development, the homeowners who live there will not become members of NOHOA, will not be entitled to travel the private roads within North Oaks, or have the right to use the trails, recreational facilities and other amenities that come with being a member of NOHOA.

The NOHOA Board of Directors respectfully requests that the North Oaks City Council makes its decision in a manner that is consistent with the 1999 East Oaks Planned Unit Development Agreement.

Thank you,



Katherine Emmons
President

CC: Mike Robertson, City Administrator
Mark Houge, President, North Oaks Company
North Oaks Planning Commission
NOHOA Board of Directors



May 8, 2019

Honorable Mayor
Members of the City Council
City of North Oaks
100 Village Center Drive, Suite 230
North Oaks, Minnesota 55127

Re: Anderson Woods Parcel – Preliminary Plan

Thank you for your time considering North Oaks Company, LLC's (Company) application for approval of the Anderson Woods Preliminary plan, as described in the drawings Sheets 1-6, dated January 15, 2019. Several questions and conditions of approval were identified during the recent review completed by City of North Oaks' staff and the Planning Commission, as outlined in the memo to North Oaks Mayor and City Council from Mike Robertson, dated May 9, 2019. This letter updates members of the City Council regarding answers to some of these questions or concerns, as follows:

1. **Site Access** – the site is divided by a wetland creating a north section and a south section. As a part of Phase 1 of the Villas of Wilkinson Lake (approved in 2006), the Company obtained approval from the City and constructed a road and sanitary sewer extension at Osprey Court to serve the four proposed lots. The homeowner sub-association documents provide for Lots 1-4 to be a part of the Villas of Wilkinson Lake Home Owners Association.
2. **Wetlands** - the Company employed considerable effort in 1996 to improve the wetlands in the center of the site and the current design does not impact any wetlands.
3. **Hammerhead** - the design of the "Hammerhead" turnaround has been reviewed by NOHOA's consultant and subcontractor responsible for roads and snow removal, respectively, and both determined the design to be acceptable. The design of the "Hammerhead" turnaround has been reviewed by the Fire Department and it determined the design to be acceptable with a minor adjustment to turning radiuses at each intersection.
4. **Future Site Development to the south** – a concept plan showing future development of the entire Anderson Woods Area is attached. This is the most recent concept plan, dated December 7, 2001, which illustrates how nine additional lots could be created and accessed from the south for Lots 5-7, and from the east (Centerville Road) for Lots 8-13. This concept plan is subject to change as the Company consults with local real estate advisors and officials of the City to determine the most desirable and cost-effective design for the additional single family lots allowed in the East Oaks Planned Unit Development Agreement (PDA).
5. A trail connection exists along Osprey Court, which is a direct connection to provide access to the trails.

6. The Company will agree to the Conditions of Approval outlined in Attachment 5 of the memo noted above.

Please call if you have any questions or concerns about the design of the proposed Preliminary Plan for Anderson Woods. The Company respectfully requests the City Council approve the plan, with the conditions referenced above.

Sincerely,
North Oaks Company LLC



Mark Houge
President

CC: Mike Robertson, City Administrator
David Magnuson, City Attorney
Bob Kirmis, Consulting City Planner
Mike Kuno, Consulting City Engineer
Mikeya Griffin, NOHOA

WILKINSON LAKE
N.O.H.W.-805.2 (NOV. 1929)

ANDERSON WOODS DEVELOPMENT AREA 'F'

TOTAL AREA - 35 ACRES
DEVELOPABLE AREA - 19 ACRES



G A R I G O L A

AGRICULTURAL

ANDERSON LAKE

KORTE SURVEYING, INC. 1000 N. W. 10th St. COLUMBIA, MISSISSIPPI 39201 PHONE: 601-733-1111 FAX: 601-733-1112		PROJECT: ANDERSONVILLE AREA	DRAWN: J. B. JONES
		SHEET DESCRIPTION: BASE MAP WITH ANDERSON WOODS AREA USED FOR P.O.A.	DATE: DECEMBER 02, 2001 SHEET: 1 OF 1 SHEET



May 8, 2019

Honorable Mayor
Members of the City Council
City of North Oaks
100 Village Center Drive, Suite 230
North Oaks, Minnesota 55127

Re: Nord Parcel – Preliminary Plan

Thank you for your time considering North Oaks Company, LLC's (Company) application for approval of the Nord Preliminary plan, as shown in the drawings Sheets 1-6, dated January 17, 2019. Several questions and conditions of approval were identified during the recent review completed by City of North Oaks' staff and the Planning Commission, as outlined in the memo to North Oaks Mayor and City Council from Mike Robertson, dated May 9, 2019.

Site Access is proposed from North Deep Lake Road to enhance privacy, security, safety, and property values for both the new residents who will live in the Nord Development and for the residents that currently live south of Nord. This letter elaborates on the reasons we believe this to be true, and addresses some of the questions or concerns identified by the Planning Commission, as follows:

1. The Preliminary Plans, dated January 17, 2019 depict access to the Nord Development from North Deep Lake Road versus from Sherwood Road, as shown on the *concept plan* (created in 1999) referenced in the East Oaks Planned Unit Development Agreement (PDA). The Company requests approval of access from Deep Lake Road. There is no requested change to the Comprehensive Plan, the Zoning Ordinance or the Subdivision Ordinance, or the Building Code. The proposed change in the access does not equate to a change in "land use". If requested, the Company will create a temporary access from Sherwood Road for use during construction.
2. The elimination of access from Sherwood Road provides for both privacy and security from unwanted vehicular and pedestrian trespassers coming into both the Nord Development and the areas to the south. There will be a considerable natural barrier along Sherwood Road comprised of trees and "bramble" bushes.
3. Although Ramsey County said it may not deny access into the Nord Development from Sherwood Road if the minimum spacing between entrances is at least 660 lineal feet, it has not completed a detailed review of a proposed entrance. Historically, it has been reluctant to allow entrances that close to a sharp right-angle because sight lines are insufficient for drivers to avoid collisions with cars entering or exiting entrances. Ramsey County may require a left and right turn lane be incorporated in Sherwood Road to allow for safe traffic movements, which will impact wetlands along the west end of the Nord Development. Similarly, residents of Rapp Farm are concerned about the proximity of its East Entrance to the sharp right-angle turn in County Road J (to the east), which is approximately three times the distance (1800 LF vs 660 LF).

4. If access is restricted to Sherwood Road it will add considerable expense to the project, both initial construction costs and ongoing maintenance; resulting from the need for turn lanes, entrance signage, landscaped islands, and turn-around areas to restrict access to the private road system. This will increase the cost of the new lots and limit future homeowners from investing more in the construction of homes, which translates to less property value for the new residents and neighbors to the south.
5. Sanitary sewer is only available to the proposed lots from an extension provided on the east end of the Nord Development, connected to the systems in Rapp Farm, which may not be possible if the design changes. Electrical, natural gas, and cable utilities are currently located in Deep Lake Road to the south, which will service the Nord Development; these utilities are not available in Sherwood Road.
6. You will find a copy of a Traffic Impact Study attached, completed in accordance with Chapter 5 of the MnDOT Access Management Manual, as requested. The study concludes the Nord Development will have a low level of increased traffic impact to the surrounding neighborhood, that there is sufficient capacity in the existing study area street system to accommodate additional residential traffic, as well as additional delivery and service vehicle traffic, and the road system will operate at an "A" grade level of service (LOS-A) condition; "A" being the best possible condition.
7. No additional trails are required within the Nord Development. The existing trail shown on Exhibit B4 – Trail Map (of the PDA) is a rough illustration provided by NOHOA in 1999 that most likely depicts the trail easements on the adjoining parcels to the south (not within the boundary of the Nord Parcel) designed for a trail that runs along the south edge of the wetland in Nord to the north. The Company is willing to augment this trail by creating a link along the north edge of Lot G of Tract 264 and along the east edge of Lot B of Tract 264 to connect the existing trail easements on Lots B-G of Tract 264 to the existing trails system south of the Nord Development. You will see this illustrated on the attached drawing Sheet 3A.
8. You will find a memo prepared by Westwood, dated April 10, 2019 that describes the purpose of the EAW referred to in the PDA and how there is no significant impact of the proposed Nord Development in the context of the EAW prepared for the City by Westwood in 1998, referenced in the PDA.
9. The Company will agree to the Conditions of Approval outlined in Attachment 4 of the memo noted above.

Please call if you have any further questions or concerns about the design of the proposed Preliminary Plan for Nord. The Company respectfully requests the City Council approve the plan, with the conditions referenced above.

Sincerely,
North Oaks Company LLC



Mark Houge
President

CC: Mike Robertson, City Administrator
David Magnuson, City Attorney
Bob Kirmis, Consulting City Planner
Mike Kuno, Consulting City Engineer
Mikeya Griffin, NOHOA

MEMORANDUM

Date: April 25, 2019

Re: Nord Development Traffic Impact Study – North Oaks, MN
File #0022650.00

From: Stephen J. Manhart, P.E. PTOE, PTP

Westwood Professional Services, Inc., has prepared a traffic impact analysis of the Nord Development in North Oaks, MN. It is our understanding that the Nord Development will consist of ten lots that will comprise single family residential units in the north central part of North Oaks.

The lots in the Nord Development are to be accessed by way of a proposed cul-de-sac that originates from North Deep Lake Road and extends westward toward (but does not intersect) Sherwood Road. Figure 1 shows the proposed layout of the lots and cul-de-sac in the Nord Development.

The purpose of this study is to determine the existing traffic volumes in the area, estimate the potential trip generation from the proposed residential lots, model the resulting traffic conditions with the added traffic and determine whether mitigation measures are necessary. Westwood will use nationally-accepted rates and equations to estimate trip generation potential of the ten single family residential units.

DATA COLLECTION

On Monday and Tuesday, April 22 – 23, 2019, Westwood deployed video data collection units at three intersections in North Oaks. The intersections surveyed were:

- North Deep Lake Road & Nord Circle Road
- Nord Circle Road & Pleasant Lake Road (east intersection)
- Nord Circle Road & Pleasant Lake Road (west intersection)

These three intersections were considered the prime locations where traffic to or from the Nord Development would pass. Therefore, these intersections were utilized as study area intersections.



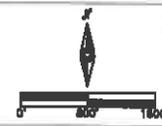
Westwood

Phone (202) 657-0189 12294 Wilburton Drive, Suite 400
 Fax (202) 657-8882 Bethesda, MD 20814
 Toll-Free (800) 657-0189
 Westwood Professional Services, Inc. westwoodps.com



Legend

LANE DESIGNATION	---
AM PEAK HOUR VOLUME	XX
PM PEAK HOUR VOLUME	XX
SIGNALIZED INTERSECTION	⊕
UNSIGNALIZED INTERSECTION	⊙



Nord Development

North Oaks, MN
 Site Layout
 Figure 1

Date: 04/25/2019

EXISTING CONDITIONS

Westwood deployed video data collection units to record intersection traffic movements. A minimum of 24 hours of traffic turning movement data was collected at each of the three intersections.

Once collected, the video data was reviewed and the traffic movements were tallied. These counts were used to determine typical morning and afternoon peak hours of travel for each of the three intersections. Westwood identified the average a.m. peak hour as being from 7:45 to 8:45 a.m. in this area. The p.m. peak hour was identified as from 5:00 to 6:00 p.m. The turning movement volumes recorded during these peak hours are shown on Figure 2. These volumes represent “snapshots” of typical weekday traffic volumes at these intersections. These are referred to as the Existing Conditions.

TRIP GENERATION

Traffic professionals typically use rates and equations developed by the Institute of Transportation Engineers (ITE) to estimate the potential traffic volume of various land uses. ITE’s Trip Generation Manual, Tenth Edition provides rates and equations to estimate trips for hundreds of land use categories.¹ This publication includes traffic study data from across the United States and Canada, and is arguably the most widely used means of estimating trips.

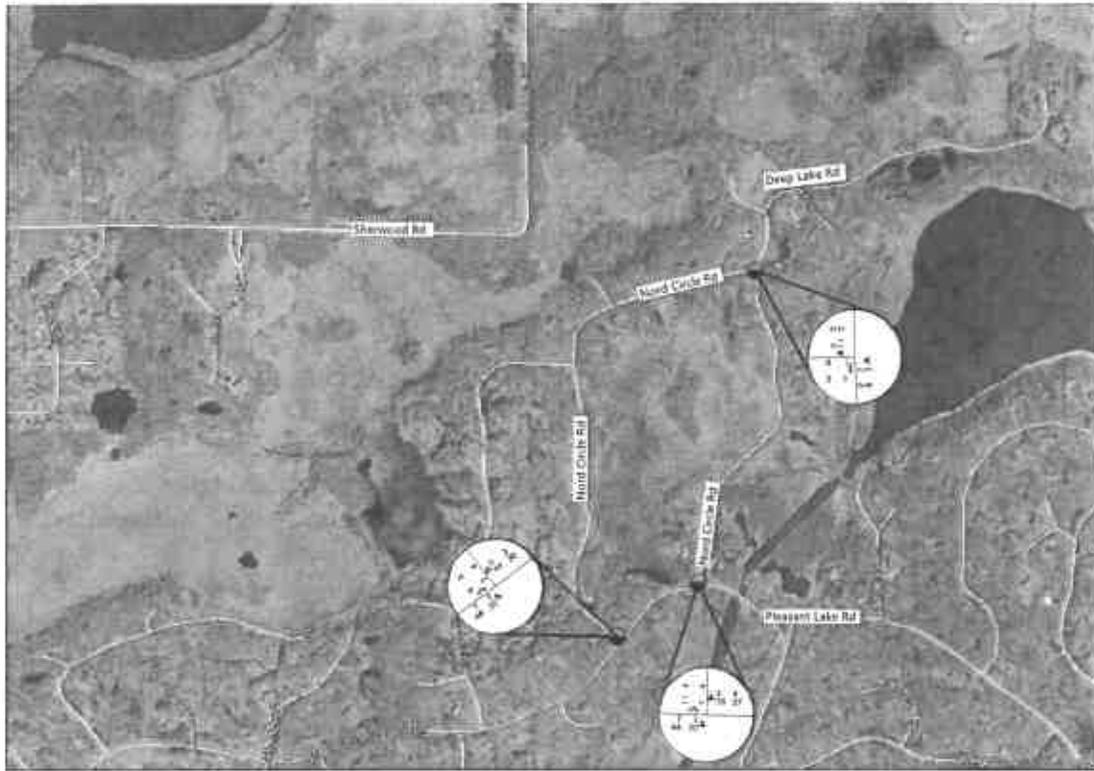
For this study, Westwood used the ITE rates and equations for Land Use 210 – Single Family Detached Housing. In addition, Westwood was able to filter the rates and equations to include data only from Midwestern Urban/Suburban settings, and data only collected between 2010 and present. As a result, it is anticipated the trip estimates will provide the most current and most comparable conditions available. Further, the use of current data may reflect the traffic impact of ecommerce deliveries within the residential developments.

Table 1 – Trip Generation Potential – Nord Development

Land Use	ITE Code	Size	Weekday		AM Peak		PM Peak	
			Enter	Exit	Enter	Exit	Enter	Exit
Single Family Housing	210	10 units	51	51	2	5	6	3
-	-	-	51	51	2	5	6	3
			102		7		9	

(Source: ITE Trip Generation Manual, Tenth Edition, 2017)

¹ Trip Generation Manual, Tenth Edition, Institute of Transportation Engineers, Washington DC, 2017.



Note: Screen traffic volume to and from Deep Lake Road east of the proposed Nord Development should account, but was not counted. These volumes would be small.

A.M. Peak Hour: 7:00 - 8:00 a.m.
P.M. Peak Hour: 5:00 - 6:00 p.m.

Note: Volume counts taken 4/22 - 4/23/2019

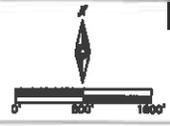
Westwood

Phone: (612) 654-0100 12751 Whitebriar Drive, Suite 2000
Fax: (612) 654-0100 Minneapolis, MN 55425
Toll-Free: (800) 942-0100
Westwood Professional Services, Inc. westwoodps.com



Legend

LANE DESIGNATION	---
AM PEAK HOUR VOLUME	XX
PM PEAK HOUR VOLUME	XX
SIGNALIZED INTERSECTION	⊙
UNSIGNALIZED INTERSECTION	⊙



Nord Development
North Oaks, MN
Existing Condition Peak Hour Volumes
Figure 2
Date: 04/25/2019

These results reflect a directional distribution of trips that is common in many residential areas – that is, more trips exit from a development in the morning as commuters head to work, school, etc., and then more trips enter a development in the afternoon/evening as commuters return home. By definition, a trip is defined as the one-way movement from Point A to Point B. A round trip is defined as two trips.

TRIP DISTRIBUTION AND ASSIGNMENT

Westwood reviewed the peak hour travel patterns at the three existing study area intersections as well as the new cul-de-sac intersection with North Deep Lake Road. Similar to the peak hour trip generation results found above, there is a weekday commuter traffic pattern in the neighborhood. That is, a majority of trips leave the neighborhood in the morning peak hour, and a majority of p.m. peak hour trips are returning to the neighborhood.

Westwood took this pattern into consideration when modeling the projected traffic of the Nord Development. In addition, Westwood looked at the percentages of existing traffic turning at the study area intersections during the peak hours, and applied the same percentages to the trips from the Nord Development. Figure 3 shows the directional distribution and assignment of new trips.

TRAFFIC SIMULATION

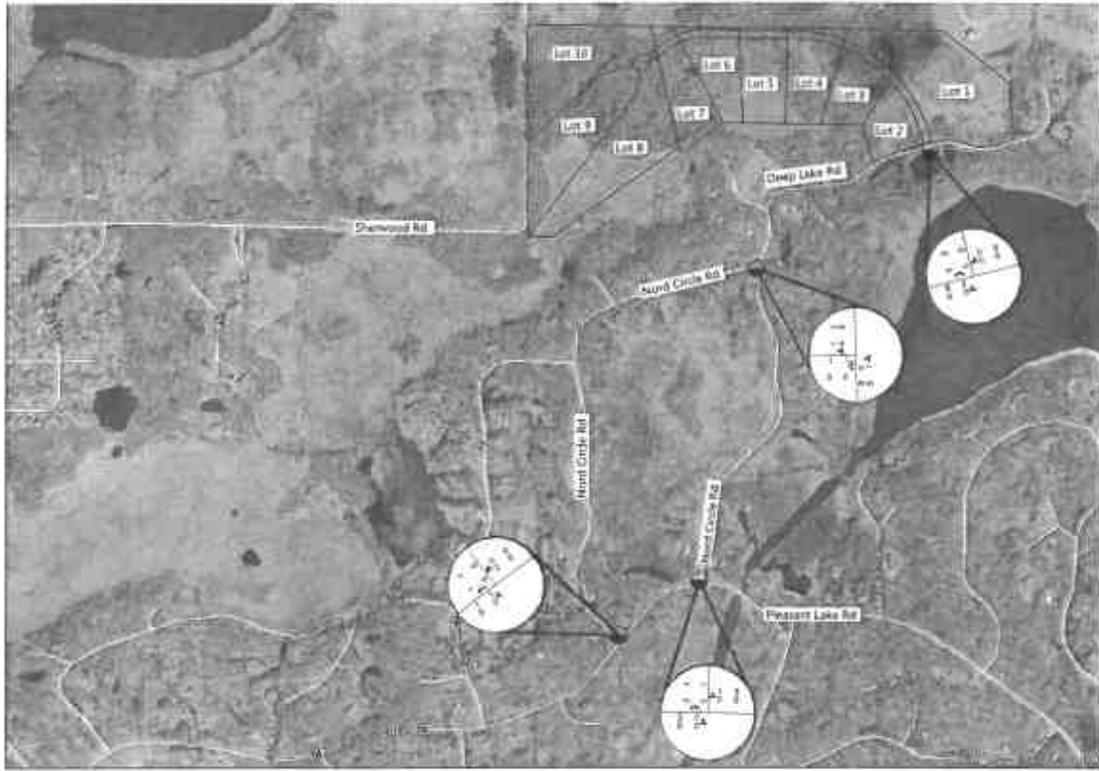
Westwood used a state-of-the-practice software package called *Synchro/SimTraffic, Version 10*, to model existing and future traffic conditions in the study area.²

Westwood developed the model using the traffic counts collected at the intersections and overlaid them onto a computer map of the study area. This model also included specific data on roadway geometrics and existing traffic control.

The resulting model generated output that provided measures of effectiveness called “levels of service” (LOS), which assigned a letter grade of LOS-A to LOS-F as to the operation and performance of an intersection. As with school grades, LOS-A is the best grade and reflects free-flow driving conditions. LOS-F, on the other hand reflects gridlocked conditions.

(NOTE: Technical Appendix A explains the methodology behind levels of service and traffic modeling.)

² Synchro/SimTraffic, Version 10, traffic operation and simulation software, Trafficware LLC, Sugar Land, TX 77478,



A.M. Peak Hour:
7:00 - 9:00 am
P.M. Peak Hour:
5:00 - 6:00 pm

Westwood

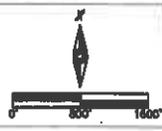
Place (888) 637-6163 10701 Whiteoak Drive, Suite 200
 Fax (888) 637-6163 Silverdale, WA 98138
 Website (888) 637-6163

Westwood Professional Services, Inc. westwoodps.com



Legend

LANE DESIGNATION	XX
AM PEAK HOUR VOLUME	XX
PM PEAK HOUR VOLUME	XX
SIGNALIZED INTERSECTION	⊙
UNIGNALIZED INTERSECTION	⊙



Nord Development
 North Oaks, MN
 Trip Assignment
 Figure 3
 Date: 04/25/2019

Table 2 lists the operation and performance of the existing intersections. The table also lists the overall intersection delays and “95th Percentile Queue Lengths” for each intersection approach.

(NOTE: 95th Percentile Queue Length is defined as the length in feet that has only a 5-percent probability of being exceeded during the analysis time period. In other words, it is approximately the maximum length a vehicle queue might reach during a given peak hour.)

Table 2– Operational Performance Results – Existing Conditions

Intersection	Lane Assignment	Existing Conditions							
		AM PEAK				PM PEAK			
		Intersection Delay and LOS	Level of Service	Approach Delay (sec)	95th %ile Queue (ft)	Intersection Delay and LOS	Level of Service	Approach Delay (sec)	95th %ile Queue (ft)
W Nord Circle Rd & W Pleasant Rd	EB Left	0.6 sec/veh = LOS A	A	0.1	n.a.	1 sec/veh = LOS A	A	0	n.a.
	EB Thru		-	0.0			A	0.1	n.a.
	WB Thru		-				A	0.2	n.a.
	WB Right		A	0.3	n.a.		A	0.1	7
	SB Left		A	4.1	36		A	4.3	27
	SB Right		A	2.7	36		A	2.6	27
E Nord Circle Rd & W Pleasant Rd	EB Left	0.6 sec/veh = LOS A	A	1.9	n.a.	0.6 sec/veh = LOS A	A	2	n.a.
	EB Thru		A	0.1			A	0.1	n.a.
	WB Thru		A	0.1	n.a.		A	0.3	n.a.
	WB Right		-	0.0	n.a.		-	0.0	n.a.
	SB Left		A	3.8	37		A	4.2	30
	SB Right		A	2.3	37		A	2.3	30
N Deep Lake Rd & Nord Circle Rd	EB Right	1.1 sec/veh = LOS A	A	2.1	22	0.6 sec/veh = LOS A	A	2.1	22
	NB Left	LOS A	A	2.2	n.a.		A	1.9	n.a.

(Source: Westwood Professional Services, 2019)

These results show minimal delay and 95th Percentile Queue lengths of one or two vehicles during the heaviest 5-minute periods of the peak hours. (Typically, it is assumed that the average passenger vehicle is 25 feet in length.) No movement operates worse than LOS-A.

BUILD CONDITION

Westwood ran the traffic model with the projected Nord Development traffic added to the existing traffic pattern. Figure 4 shows the projected Build Condition traffic volumes at the study area intersections. The a.m. and p.m. peak hour operational results from the Build condition appear in Table 3.

Table 3—Operational Performance Results –Build Conditions

Intersection	Lane Assignment	Build Conditions							
		AM PEAK				PM PEAK			
		Intersection Delay and LOS	Level of Service	Approach Delay (sec)	95th %ile Queue (ft)	Intersection Delay and LOS	Level of Service	Approach Delay (sec)	95th %ile Queue (ft)
W Nord Circle Rd & W Pleasant Rd	EB Left	0.5 sec/veh = LOS A	-	0.0	n.a.	0.7 sec/veh = LOS A	A	0	n.a.
	WB Right		A	0.1	n.a.		-	0.0	n.a.
	SB Left		A	9.5	35		A	5.8	37
	SB Right		A	2.9	35		A	9.9	37
E Nord Circle Rd & W Pleasant Rd	EB Left	1 sec/veh = LOS A	A	2.2	n.a.	0.5 sec/veh = LOS A	A	2	n.a.
	EB Thru		A	0.1	n.a.		A	0.2	n.a.
	WB Thru		A	0.1	n.a.		-	0.0	n.a.
	SB Left		A	4.4	44		A	4.0	27
	SB Right		A	2.3	44		A	2.1	27
N Deep Lake Rd & Nord Circle Rd	EB Left	0.6 sec/veh = LOS A	A	4.0	23	0.8 sec/veh = LOS A	A	4	13
	EB Right		A	2.2	23		-		
	NB Left		A	2.2	n.a.		A	1.2	n.a.
	NB Thru		-	0.0	n.a.		A	0.3	n.a.
Nord Development Cuidesac & N Deep Lake Rd	EB Left	1 sec/veh = LOS A	A	1.9	n.a.	0.5 sec/veh = LOS A	A	2	n.a.
	EB Thru		-	0.0	n.a.		A	0.2	n.a.
	SB Right		A	2.3	17		-		

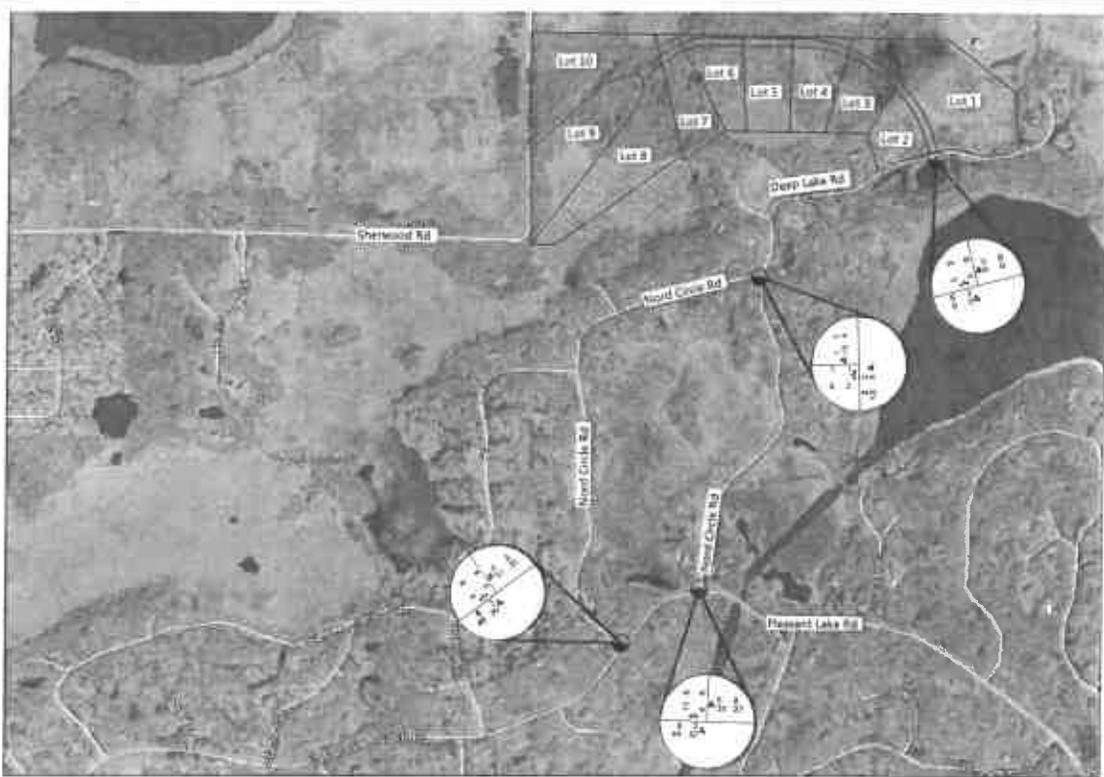
(Source: Westwood Professional Services, 2019)

As with the Existing condition, these results show minimal delay and 95th Percentile Queue lengths of one or two vehicles during the heaviest 5-minute periods of the peak hours. Again, no movement operates worse than LOS-A.

DISCUSSION

The Nord Development will, in itself, generate very few trips. Seven trips in the a.m. peak hour is one trip every 8 ½ minutes. Nine trips in the p.m. peak hour translates to one trip every 6 minutes and 40 seconds. Overall, the number of trips generated per household in this analysis may seem few, but the rates and equations for single family dwelling units are some of the most heavily measured trip generation rates calculated by traffic professionals. The results have a high level of statistical accuracy.

These trips are not just homeowner trips. They may also include trips by service vehicles, including school buses and delivery vehicles. Regarding school buses, Westwood recorded the following number of school bus trips at the study area intersections during the peak hours, as shown in Table 4.



Note: Above traffic volume is not from Deep Lake Road east of the proposed Nord Development street access, but was not counted. These volumes would be small.

A.M. Peak Hour:
7:00 - 8:00 a.m.
P.M. Peak Hour:
5:00 - 6:00 p.m.

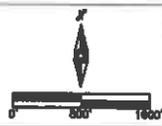
Westwood

Phone (855) 657-0150 (270) 444-4444
 Fax (855) 657-0150 (270) 444-4444
 Website www.westwoodeng.com



Legend

LANE DESIGNATION	—
AM PEAK HOUR VOLUME	XX
PM PEAK HOUR VOLUME	XX
SIGNALIZED INTERSECTION	⊙
UNSIGNALIZED INTERSECTION	⊙



Nord Development
 North Oaks, MN
 Build Condition Peak Hour Volumes
 Figure 4
 Date: 04/25/2019

Table 4– School Bus Trips Recorded during Peak Hours

4/22/19 & 4/23/19	Deep Lake Rd & Nord Circle	West Nord Circle & W Pleasant Lake Rd	East Nord Circle & Pleasant Lake Rd
Start Time	Hourly Total Movements	Hourly Total Movements	Hourly Total Movements
7:45 - 8:45 AM	0	0	0
5:00 - 6:00 PM	0	0	0

(Source: Westwood Professional Services, 2019)

No other service or delivery vehicle trips were recorded passing through the study area intersections during the peak hour count periods tested.

Westwood researched the emerging impact of e-commerce delivery traffic on residential areas. While technical analysis and discussion by the traffic profession is still in its infancy, the impact of e-commerce deliveries is being discussed by online urban planning websites.³ The impacts discussed are most acute in larger cities where high-density apartment dwellers burden e-commerce delivery drivers with hundreds of packages daily. This impacts on-street parking as well as pedestrian movements in these high-density urban environments. The impact of e-commerce deliveries in suburban areas, however, has not been fully tracked and analyzed.

CONCLUSIONS AND RECOMMENDATIONS

Based on the findings presented in this report, the Nord Development will have a low level of increased traffic impact to the surrounding neighborhood. The numbers of trips generated by the Nord Development in the a.m. and p.m. peak hours reflect small increases over existing traffic levels. The resulting traffic will continue to find adequate gaps in the traffic stream to safely complete turning movements at intersections. As a result, no intersection will require additional mitigation measures or increased traffic control.

While it is understood that the neighborhood will see some additional traffic during the course of the day, this increase will average no greater than one additional trip every six minutes during the heaviest part of the day – the p.m. peak hour. No study area intersection will operate worse than LOS-A in either a.m. or p.m. peak hour, which is consistent with Existing conditions. (NOTE: The Metropolitan Council currently

³ Herriges, Daniel, *The Neighborhood Traffic Trade-Off, Strong Towns*, <https://www.strongtowns.org/journal/2019/1/30/the-neighborhood-traffic-trade-off> ; and Sisson, Patrick, *Curbed*, <https://www.curbed.com/2019/1/10/18177399/amazon-delivery-traffic-online-shopping-e-commerce>

states that acceptable traffic conditions are defined as recording LOS-D conditions or better. LOS-E and LOS-F conditions are the thresholds for mitigation improvements.)

In closing, there is sufficient capacity in the existing study area street system to accommodate additional residential traffic, as well as additional delivery and service vehicle traffic, to operate at LOS-A conditions.

Cc: David Weetman, Westwood

TECHNICAL APPENDIX

- A. Level of Service Methodology**
- B. Traffic Counts**
- C. SimTraffic Operational Performance Output**

A Level of Service Methodology

Traffic operations for the peak hour conditions within the study area were analyzed using the industry-standard *Synchro/SimTraffic Version 10* software package, which uses the data and methodology contained in the Highway Capacity Manual, Sixth Edition published by the Transportation Research Board. The software model was calibrated to replicate existing conditions as accurately as possible before being used to assess future conditions.

The operating conditions of transportation facilities, such as traffic signals, stop-controlled intersections and roundabouts, are evaluated based on the relationship of the theoretical capacity of a facility to the actual traffic volumes on that facility. Various factors affect capacity, including travel speed, roadway geometry, grade, number and width of travel lanes, and intersection control. The current standards for evaluating capacity and operating conditions are contained in the Highway Capacity Manual, Sixth Edition (HCM). The procedures describe operating conditions in terms of a Level of Service (LOS). Facilities are given letter designations from A, representing the best operating conditions, to F, representing the worst. Generally, Level of Service D (LOS-D) represents the threshold for acceptable overall intersection operating conditions during a peak hour.

At intersections, Levels of Service are assigned differently for signalized or unsignalized intersections (which include Two-Way Stop Control [TWSC], All-way Stop Control [AWSC] and roundabouts). For signalized intersections, Level of Service is calculated by taking the total Intersection Delay and converting it to a letter grade as shown in the right side of Table A-1. For an unsignalized intersection, Level of Service is calculated by taking the Intersection Delay and converting it to a letter grade, as shown in the left side of Table A-1. While similar, the signalized control delay totals are higher than that of unsignalized intersections. In any condition, when the LOS by Volume to Capacity Ratio exceeds 1.0, the LOS is always F.

Under the HCM, common movements are included into lane groups. Control Delay is then determined for each lane group and Levels of Service are based on this Control Delay. For each lane group, Control Delay is quantified by number of seconds. Control Delay is defined as the difference between the travel time that would have occurred in the absence of the intersection control, and the travel time that results because of the presence of the

Intersection control. Levels of Service are then based on the control delay per vehicle.

Table A-1 - Level of Service vs. Control Delay - Signalized and Unsignalized Intersections (TWSC, AWSC & Roundabouts)

<u>TWSC, AWSC & Roundabouts</u>		<u>Signalized Intersections</u>	
LOS by Volume to Capacity Ratio (≤ 1)*	Control Delay per Vehicle (Seconds)	LOS by Volume to Capacity Ratio (≤ 1)*	Control Delay per Vehicle (Seconds)
A	≤ 10	A	≤ 10
B	>10 and ≤ 15	B	>10 and ≤ 20
C	>15 and ≤ 25	C	>20 and ≤ 35
D	>25 and ≤ 35	D	>35 and ≤ 55
E	>35 and ≤ 50	E	>55 and ≤ 80
F	>50	F	>80

Per the 2010 Highway Capacity Manual, published by the Transportation Research Board.

* NOTE: When LOS by Volume to Capacity Ratio >1.00 , LOS is F.

The acceptable Level of Service threshold for a particular movement at an intersection depends on both the priority assigned to that movement and its traffic volume. In general, the higher the priority and the higher the traffic volume, the more stringent the acceptable threshold will be. For example, the acceptable threshold for a high-priority/high-volume rural movement might be C, while LOS F on a low-priority/low-volume urban movement might be appropriate.

For two-way stop-controlled intersections, a key measure of operational effectiveness is the side street LOS. Since the mainline does not have to stop, the majority of delay is attributed to the side-street/minor approaches. Long delays and poor LOS can sometimes result on the side street, even if the overall intersection is functioning well, making it a valuable design criterion. As the side-street/minor approach delay approaches and exceeds 60 seconds per vehicle, drivers may divert to another route or become impatient and accept gaps in the mainline traffic that are less than acceptable/safe gaps resulting in the potential for traffic safety concerns. Therefore, depending on priority and traffic volume, acceptable side-street LOS can range from D to F. Side streets can operate at LOS F without the intersection warranting a change in traffic control.

A final fundamental component of operational analyses is a study of vehicular queuing, as defined the line of vehicles waiting to pass through an intersection. An intersection can operate with an acceptable Level of Service, but if queues from the intersection extend back to block entrances to turn lanes or accesses to adjacent land uses, unsafe operating conditions could result.

In reporting Levels of Service, the information from the signalized intersection analysis comes directly from the Synchro 10 and SimTraffic 10 reports. Intersection Levels of Service are reported based on the Control Delay calculated for the overall intersection and for each critical movement as determined by SimTraffic 10, and as adjusted for driver behavior.

For queuing, the 95th Percentile and the Maximum Queue Lengths that are generated after five runs. In this report, the 95th Percentile Queue Length is used to discern adequate lengths of turn lanes. The 95th Percentile Queue Length refers to that length of queue that has only a five-percent probability of being exceeded during an analysis period. This is the standard factor used to determine optimal turn lane lengths.

File Name: Westwood Professional Services

Start Date: 4/22/2019

Start Time: 7:00:00 AM

Comment 1: Deep Lake Road & Nord Circle

Comment 2: A.M. Peak Hour

Start Time	N DEEP LAKE RD From North			NORD CIRCLE RD From East			N DEEP LAKE RD From South			NORD CIRCLE RD From West			15-min total
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	
07:00 AM	1	0	0	0	0	0	0	0	0	0	0	0	4
07:15 AM	0	2	0	0	0	0	0	0	0	2	0	0	4
07:30 AM	0	2	0	0	0	0	0	0	0	0	0	0	2
07:45 AM	0	5	0	0	0	0	0	0	0	1	0	0	7
08:00 AM	0	1	0	0	0	0	0	0	0	0	0	0	3
08:15 AM	0	2	0	0	0	0	0	0	0	1	0	0	4
08:30 AM	0	4	0	0	0	0	0	0	0	0	0	1	6
08:45 AM	0	1	0	0	0	0	0	0	0	2	0	0	6
Peak Hour Total	0	12	0	0	0	0	0	0	0	3	0	1	
Start Time	N DEEP L			N CIR			N DEEP L			N CIR			15-min total
Start Time	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	
07:00 AM	1	3	0	0	0	0	0	0	0	1	0	0	6
07:15 AM	0	1	0	0	0	0	0	0	0	0	0	0	3
07:30 AM	0	5	0	0	0	0	0	0	0	1	0	0	7
07:45 AM	0	3	0	0	0	0	0	0	0	0	0	0	5
08:00 AM	0	2	0	0	0	0	0	0	0	0	0	0	2
08:15 AM	0	2	0	0	0	0	0	0	0	1	0	0	4
08:30 AM	0	3	0	0	0	0	0	0	0	2	0	0	7
08:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	1
Peak Hour Total	0	10	0	0	0	0	0	0	0	4	0	0	
Average	0	11	0	0	0	0	0	0	0	3	0	1	

Start Date: 4/22/2019

Start Time: P.M. Peak Hour

Start Time	N DEEP L From North			N CIR From East			N DEEP L From South			N CIR From West			15-min total
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	
04:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	10
04:15 PM	0	0	0	0	0	0	0	0	0	1	0	0	11
04:30 PM	0	1	0	0	0	0	0	0	0	0	0	0	14
04:45 PM	0	2	0	0	0	0	0	0	0	0	0	0	17
05:00 PM	0	1	0	0	0	0	0	0	0	0	0	0	2
05:15 PM	0	0	0	0	0	0	0	0	0	2	0	0	5
05:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	4
05:45 PM	0	1	0	0	0	0	0	0	0	1	0	0	4
Peak Hour Total	0	2	0	0	0	0	0	0	0	3	0	0	

1: W Pleasant Lake Rd & W Nord Circle Rd Performance by movement

Movement	SBR	SEL	SER	NEL2	NEL	All
Denied Del/Veh (s)	0.0	0.1	0.1	0.1	0.1	0.1
Total Del/Veh (s)	0.3	4.1	2.7	0.0	0.1	0.6

2: W Pleasant Lake Rd & E Nord Circle Rd Performance by movement

Movement	EBL	EBT	WBT	WBR	SBL	SBR	All
Denied Del/Veh (s)	0.0	0.0	0.1	0.1	0.0	0.0	0.1
Total Del/Veh (s)	1.9	0.1	0.1	0.0	3.8	2.3	0.6

7: E Nord Circle Rd/N Deep Lake Rd & W Nord Circle Rd Performance by movement

Movement	EBR	NBL	NBT	SBT	All
Denied Del/Veh (s)	0.1	0.0	0.0	0.1	0.1
Total Del/Veh (s)	2.1	2.2	0.0	0.0	1.1

Total Zone Performance

Denied Del/Veh (s)	0.1
Total Del/Veh (s)	1.3

Intersection: 1: W Pleasant Lake Rd & W Nord Circle Rd

Movement	SE
Directions Served	LR
Maximum Queue (ft)	31
Average Queue (ft)	13
95th Queue (ft)	38
Link Distance (ft)	907
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 2: W Pleasant Lake Rd & E Nord Circle Rd

Movement	SB
Directions Served	LR
Maximum Queue (ft)	30
Average Queue (ft)	13
95th Queue (ft)	37
Link Distance (ft)	1404
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 7: E Nord Circle Rd/N Deep Lake Rd & W Nord Circle Rd

Movement	EB
Directions Served	LR
Maximum Queue (ft)	30
Average Queue (ft)	5
95th Queue (ft)	22
Link Distance (ft)	718
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Zone Summary

Zone wide Queuing Penalty: 0

1: W Pleasant Lake Rd & W Nord Circle Rd Performance by movement

Movement	SBR	SBR2	SEL	SER	NEL2	NEL	All
Denied Del/Veh (s)	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Total Del/Veh (s)	0.1	0.2	4.3	2.6	0.1	0.1	0.4

2: W Pleasant Lake Rd & E Nord Circle Rd Performance by movement

Movement	EBL	EBT	WBT	WBR	SBL	SBR	All
Denied Del/Veh (s)	0.0	0.0	0.2	0.1	0.0	0.0	0.1
Total Del/Veh (s)	1.8	0.1	0.3	0.0	4.2	2.3	0.6

7: E Nord Circle Rd/N Deep Lake Rd & W Nord Circle Rd Performance by movement

Movement	EBR	NBL	NBT	SBT	All
Denied Del/Veh (s)	0.1	0.0	0.0	0.1	0.0
Total Del/Veh (s)	2.1	1.9	0.0	0.0	0.8

Total Network Performance

Denied Del/Veh (s)	0.1
Total Del/Veh (s)	1.1

Intersection: 1: W Pleasant Lake Rd & W Nord Circle Rd

Movement	SB	SE
Directions Served	R>	LR
Maximum Queue (ft)	21	31
Average Queue (ft)	1	6
95th Queue (ft)	7	27
Link Distance (ft)	601	907
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 2: W Pleasant Lake Rd & E Nord Circle Rd

Movement	SB
Directions Served	LR
Maximum Queue (ft)	30
Average Queue (ft)	8
95th Queue (ft)	30
Link Distance (ft)	1404
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 7: E Nord Circle Rd/N Deep Lake Rd & W Nord Circle Rd

Movement	EB
Directions Served	LR
Maximum Queue (ft)	29
Average Queue (ft)	5
95th Queue (ft)	22
Link Distance (ft)	718
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Network Summary

Network wide Queuing Penalty: 0

1: W Pleasant Lake Rd & W Nord Circle Rd Performance by movement

Movement	SBR	SEL	SER	NEL	All
Denied Del/Veh (s)	0.0	0.1	0.1	0.1	0.0
Total Del/Veh (s)	0.1	9.5	2.9	0.0	0.5

2: W Pleasant Lake Rd & E Nord Circle Rd Performance by movement

Movement	EBL	EBT	WBT	WBR	SBL	SBR	All
Denied Del/Veh (s)	0.0	0.0	0.1	0.1	0.0	0.1	0.1
Total Del/Veh (s)	2.2	0.1	0.1	0.0	4.4	2.3	1.0

7: E Nord Circle Rd/N Deep Lake Rd & W Nord Circle Rd Performance by movement

Movement	EBL	EBR	NBL	NBT	SBT	SBR	All
Denied Del/Veh (s)	0.1	0.1	0.0	0.0	0.1	0.1	0.1
Total Del/Veh (s)	4.0	2.2	2.2	0.0	0.0	0.0	0.6

12: N Deep Lake Rd & Nord Development Culdesac Performance by movement

Movement	EBL	EBT	SBR	All
Denied Del/Veh (s)	0.0	0.0	0.1	0.0
Total Del/Veh (s)	1.9	0.0	2.3	1.0

Total Network Performance

Denied Del/Veh (s)	0.1
Total Del/Veh (s)	1.7

Intersection: 1: W Pleasant Lake Rd & W Nord Circle Rd

Movement	SE
Directions Served	LR
Maximum Queue (ft)	31
Average Queue (ft)	11
95th Queue (ft)	35
Link Distance (ft)	907
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 2: W Pleasant Lake Rd & E Nord Circle Rd

Movement	SB
Directions Served	LR
Maximum Queue (ft)	52
Average Queue (ft)	18
95th Queue (ft)	44
Link Distance (ft)	1404
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 7: E Nord Circle Rd/N Deep Lake Rd & W Nord Circle Rd

Movement	EB
Directions Served	LR
Maximum Queue (ft)	30
Average Queue (ft)	5
95th Queue (ft)	23
Link Distance (ft)	718
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 12: N Deep Lake Rd & Nord Development Culdesac

Movement	SB
Directions Served	LR
Maximum Queue (ft)	29
Average Queue (ft)	3
95th Queue (ft)	17
Link Distance (ft)	1239
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Network Summary

Network wide Queuing Penalty: 0

1: W Pleasant Lake Rd & W Nord Circle Rd Performance by movement

Movement	SBR	SBR2	SEL	SER	NEL2	NEL	All
Denied Del/Veh (s)	0.0	0.0	0.1	0.2	0.1	0.1	0.1
Total Del/Veh (s)	0.0	0.0	5.8	3.9	0.1	0.1	0.7

2: W Pleasant Lake Rd & E Nord Circle Rd Performance by movement

Movement	EBL	EBT	WBT	WBR	SBL	SBR	All
Denied Del/Veh (s)	0.0	0.0	0.1	0.1	0.1	0.1	0.0
Total Del/Veh (s)	1.7	0.2	0.0	0.0	4.0	2.1	0.5

7: E Nord Circle Rd/N Deep Lake Rd & W Nord Circle Rd Performance by movement

Movement	EBL	EBR	NBL	NBT	All
Denied Del/Veh (s)	0.1	0.1	0.0	0.0	0.0
Total Del/Veh (s)	4.3	1.9	1.2	0.3	0.8

12: N Deep Lake Rd & Nord Development Culdesac Performance by movement

Movement	EBL	EBT	All
Denied Del/Veh (s)	0.0	0.0	0.0
Total Del/Veh (s)	1.6	0.2	0.5

Total Network Performance

Denied Del/Veh (s)	0.1
Total Del/Veh (s)	1.2

Intersection: 1: W Pleasant Lake Rd & W Nord Circle Rd

Movement	SE
Directions Served	LR
Maximum Queue (ft)	55
Average Queue (ft)	11
95th Queue (ft)	37
Link Distance (ft)	907
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 2: W Pleasant Lake Rd & E Nord Circle Rd

Movement	SB
Directions Served	LR
Maximum Queue (ft)	30
Average Queue (ft)	7
95th Queue (ft)	27
Link Distance (ft)	1404
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 7: E Nord Circle Rd/N Deep Lake Rd & W Nord Circle Rd

Movement	EB
Directions Served	LR
Maximum Queue (ft)	29
Average Queue (ft)	2
95th Queue (ft)	13
Link Distance (ft)	718
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 12: N Deep Lake Rd & Nord Development Culdesac

Movement

Directions Served

Maximum Queue (ft)

Average Queue (ft)

95th Queue (ft)

Link Distance (ft)

Upstream Blk Time (%)

Queuing Penalty (veh)

Storage Bay Dist (ft)

Storage Blk Time (%)

Queuing Penalty (veh)

Network Summary

Network wide Queuing Penalty: 0

MEMORANDUM

Date: April 10, 2019

Re: East Oaks PUD Environmental Assessment Worksheet (EAW)
File 0022650.00

To: Mark Houge, North Oaks Company, LLC

From: David Weetman

Purpose of the EAW:

Minnesota Administrative Rules Chapter 4400: Published Electronically:
August 20, 2018

4410.1000 PROJECTS REQUIRING EAW

Subpart 1. Purpose of EAW.

The EAW is a brief document prepared in worksheet format which is designed to rapidly assess the environmental effects which may be associated with a proposed project. The EAW serves primarily to:

1. aid in the determination of whether an Environmental Impact Statement (EIS) is needed for a proposed project; and
2. serve as a basis to begin the scoping process for an EIS.

EAW's underlying purpose: Determine if a project has the potential for "**Significant Environmental Effects**" (4410.1700 DECISION ON NEED FOR EIS).

- By issuing a Negative Declaration on the project in 1998, the City determined that the project did not have the potential for "**Significant Environmental Effects**" and therefore did not require further environmental review.
- An EAW is not meant to approve or deny a project, but instead a source of information to guide other approvals and permitting decisions (EAW Quick Reference, July 2017).

Conformance to Prepared 1998 EAW:

- EAWs are routinely prepared based on concept plans with exact layouts being considered sometime in the future as part of local, state, and federal-level permitting.
- The original wetland impact calculations were estimates based on mapped (not field delineated) wetland areas and Concept Plan level drawings (not grading plans) – See page 12 of EAW.

- Page 13 mentions that a wetland delineation is needed so wetland impacts can be “precisely quantified”.
- The table on Page 13 also clarifies that these are “Anticipated” wetland impacts.
- More wetland was ultimately delineated than mapped in areas where road is needed (example SE entrance).
- The applicant submits that wetland impact increased from 0.02-0.232-acre acres on this portion of the project does not constitute a “significant environmental effect” or substantial change to the project.
- The project would be eligible for U.S. Army Corps of Engineers Nationwide Permit 29 (Residential Development), which allows up to ½-acre of impact.
- Nationwide Permits were created to streamline permitting for small impacts. The Corps NWP website says the Nationwide Permits “provide expedited review of projects that have minimal impact on the aquatic environment”.
- Current Corps Nationwide Permits were informed by extensive feedback from the public and other key stakeholders.
- The project proposes impacts of 10,125 square feet (0.232-acre). This is approximately one-half of the fill allowed under a streamlined NWP for residential development.
- The project will be subject to Minnesota Wetland Conservation Act and Corps of Engineers Permitting outside of the EAW process.

Minnesota Rules 4410.1000 Subp. 5. Change in proposed project; new EAW. If, after a negative declaration has been issued but before the proposed project has received all approvals or been implemented, the RGU determines that a **substantial change** has been made in the proposed project or has occurred in the project's circumstances, **which change may affect the potential for significant adverse environmental effects** that were not addressed in the existing EAW, a new EAW is required.

On April 5, 2019, Westwood contacted **Denise Wilson** (Environmental Review Program Director) at the Environmental Quality Board

- Denise indicated that it is the Responsible Governmental Unit's (RGU's) discretion to require a new EAW.

Denise asked the questions –

1. “Would the decision be different [on the EAW] with these impacts? “If they are minor and not substantive, then probably not.”

The applicant submits that these are minor changes to the overall plan for the project that would not have changed the outcome of the Negative Declaration decision on the EAW.

- The density of the development is not being changed,

- No more roads are being constructed than originally proposed,
 - Site grading will be limited to that required to build the road and dig a basement on 5-acre wooded lots,
 - No grading or alteration of the existing topography and trees is proposed on the lots aside from those discussed above,
 - Wetland Impacts would qualify under a Nationwide Permit from the Corps intended to expedite review of "minor" wetland impacts.
- 2. "Would the public have interest in knowing about the decision? "**
- Cities need to be transparent in decisions and provide opportunity for public involvement.
 - Cities also need to consider the magnitude of changes proposed in the context of whether the changes rise to the level of substantive and which have the potential for significant environmental effects.
 - In this case, the applicant submits that the minor changes do not warrant additional environmental assessment review, and can be adequately addressed under other required permitting processes.

**EAST OAKS PLANNED UNIT DEVELOPMENT
PRELIMINARY SUBDIVISION APPLICATIONS**

CITY COUNCIL ALTERNATIVE ACTIONS

Decision 1. Nord Parcel” Preliminary Subdivision:

- A. **Motion to approve** the “Nord Parcel” preliminary subdivision subject to the conditions listed in Attachment 4 of the Staff memorandum dated May 9, 2019.
- B. **Motion to deny** the “Nord Parcel” preliminary subdivision based on the following findings of fact identified by the Planning Commission.
 - 1. The subdivision’s proposed access location and street layout is inconsistent with that provided in the EAW which illustrates a cul-de-sac access from the west via Sherwood Road (Exhibit 2 of the EAW).
 - 2. The subdivision’s proposed access location and street layout is inconsistent with the Conceptual Street and Access Plan (Exhibit B2) included in the 1999 Planned Development Agreement.
 - 3. The Trail Plan included in the 1999 Planned Development Agreement (Exhibit B4) requires a well-defined trail within the subject site. Such trail is not included in the submitted preliminary subdivision plan.

Decision 2. Wilkinson Villas (1A) Preliminary Subdivision:

- A. **Motion to approve** the “Wilkinson Villas (1A)” preliminary subdivision subject to the conditions listed in Attachment 5 of the Staff memorandum dated May 9, 2019.
- B. **Motion to deny** the “Wilkinson Villas (1A)” preliminary subdivision based on the following findings of fact identified by the Planning Commission.
 - 1. As a result of the withdrawal of the East Oaks concept plan, a conceptual subdivision layout for the southern one-half of the subject site has not been provided. Approval of the preliminary subdivision prior to the receipt and review of such concept plan is considered premature.
 - 2. Comments have not been received from the from the Fire Department regarding the acceptability of the proposed “hammerhead” turnaround area. Approval of the preliminary subdivision prior to Fire Department approval of the “hammerhead” turnaround design is considered premature.

- 3. The subdivision fails to comply with Article 7.1 of the 1999 Planned Development Agreement related to the location and creation of streets. The subdivision's proposed access location and street layout is inconsistent with that provided in on the Conceptual Street and Access Plan (Exhibit B2) included in the 1999 Planned Development Agreement.**

May 9, 2019

Mayor Greg Nelson
Rick Kingston, Councilman
Martin Long, Councilman
Kara Ries, Councilwoman
Katy Ross, Councilwoman
City of North Oaks
100 Village Center Drive, Suite 230
North Oaks, MN 55127

Dear Mr. Mayor and City Council Members:

This statement is submitted on behalf of the undersigned North Oaks Home Owners' Association Board Members to express their strong opposition to the revised City Ordinance proposed by Mayor Greg Nelson regarding the operation of the City's Planning Commission.

Mayor Nelson characterizes the proposed Ordinance in his May, "From the Mayor" North Oaks News article as movement toward the City's goal to, ". . . upgrade the quality, organization, content, consistency and accessibility of our Ordinances." Unfortunately, it can claim none of these attributes.

A summary of the most significant proposed changes to the Ordinance are as follows:

- Planning Commission members may be removed for any reason by a majority vote of the City Council
- Planning Commission members are automatically removed if they are elected to the City Council
- One Planning Commission member may be a member of the City Council, but will be a non-voting member of the Planning Commission and is not counted in determining a quorum

Despite the assertions of Mayor Nelson, these provisions neither represent the practices of all neighboring cities nor are they identified as best practices by the League of Minnesota Cities. In its Planning Commission Guide, the League discusses the advantages of having City Council members as Planning Commission members for voting and Quorum purposes. This is a choice that can be made by the municipality. In the City of Vadnais Heights, Planning Commission members can only be removed for "cause duly found."

Most importantly however, giving the City Council the ability to remove any Planning Commission member, for any reason, at any time, removes the critical check and balance that currently exists between these two bodies. This very significant modification permits three members of the five-member City Council to control both the City Council and the Planning Commission by adding and subtracting Planning Commission members, at will, to serve the Council majority's intended outcome.

The Mayor would like the community to believe there is a need to affect this much-needed change. This act has nothing to do with effecting change, nor does it add to greater transparency or lead to more

public participation. With this proposal, every important decision that confronts the City essentially rests in the hands of three members of the City Council.

There is a real need to update our City Ordinances to be consistent with good governance practices. This should be done by introducing much-needed checks and balances into City operations rather than by eliminating them.

Sincerely,

Marc Asch
Myra Coleman
Katherine Emmons
Kareen Ecklund
Diane Gorder
Mike Graf
JoAnn Hanson
Jason Kraus

PLANNING COMMISSION

§ 150.075 ESTABLISHMENT.

~~— (A) A City Planning Commission for the City of North Oaks is hereby established.~~

~~— (B) The Commission shall be the city planning agency.~~

~~(Ord. 56, passed 11-4-1971; Am. Ord. passed 12-29-1976; Am. Ord. passed 12-24-1981; Am. Ord. passed 12-8-1994; Am. Ord. passed 4-13-1995)~~

§ 150.076 COMPOSITION.

~~— (A) (1) The Planning Commission shall consist of 7 members each appointed by the City Council for a term not greater than 3 years and not less than 1 year.~~

~~— (2) All members shall be residents of the city and at least 1 member shall be a member of the City Council.~~

~~— (3) Each member shall hold office until the member's successor is appointed and qualified. Any member may be removed during a term by a 4/5 vote of the City Council.~~

~~— (B) (1) Vacancies which occur during a member's term shall be filled by the City Council for the unexpired portion of the term.~~

~~— (2) Each member, before entering upon the discharge of the member's duties, shall take an oath to faithfully discharge the duties.~~

~~— (3) All members shall serve without compensation.~~

~~(Ord. 56, passed 11-4-1971; Am. Ord. passed 12-29-1976; Am. Ord. passed 12-24-1981; Am. Ord. passed 12-8-1994; Am. Ord. passed 4-13-1995)~~

§ 150.077 ORGANIZATION, MEETINGS, AND THE LIKE.

~~— (A) (1) The City Council shall appoint a Chairperson of the Planning Commission from among the appointed members for a term of 1 year, and shall appoint a Secretary of the Commission to serve at the will of the City Council who need not be a member, a city official or a resident of the city.~~

~~— (2) The City Council may create and fill the other offices as the Council may determine.~~

~~— (B) (1) Meetings of the Commission shall be called by the Chairperson upon 7 days' written notice thereof, unless the notice is waived by all members of the Commission.~~

~~— (2) Four members shall constitute a quorum.~~

~~— (3) The Commission shall adopt the other rules for the transaction of business as it deems necessary and shall keep a record of its resolutions, transactions, and findings, which record shall be a public record.~~

~~— (4) On or before January 1 of each year, the Commission shall submit to the City Council a report of its work during the preceding year.~~

~~— (5) Expenditures of the Commission shall be amounts appropriated for that purpose by the City Council.~~

~~(Ord. 56, passed 11-4-1971; Am. Ord. passed 12-29-1976; Am. Ord. passed 12-24-1981; Am. Ord. passed 12-8-1994; Am. Ord. passed 4-13-1995)~~

~~§ 150.078 PREPARATION OF COMPREHENSIVE CITY PLAN.~~

~~—(A) It shall be the function and duty of the Planning Commission to prepare and adopt a Comprehensive city Plan for the physical, economic, and social development of the city.~~

~~—(B) The plan may address itself to the subjects as proposed public buildings, public utility services, all forms of recreational facilities, and other matters relating to the development of the city.~~

~~—(C) The Comprehensive Plan may go beyond those subjects listed hereto so long as the plan relates to the general statements of policy contained in M.S. § 462.351, as it may be amended from time to time.~~

~~—(D) The plan may be prepared in sections, each of which shall relate to a major subject of the plan or to a major geographical section of the city.~~

~~—(E) Adoption of the first section, as provided in § 150.079, shall mean that there is in existence in the City of North Oaks a Comprehensive Plan.~~

~~—(F) The Commission may from time to time amend or add to the city Comprehensive Plan or section thereof as herein provided for the adoption of the original plan whenever changed conditions or further studies by the Commission indicate that the amendment or addition is necessary.~~

~~—(G) An attested copy of the plan or of any section, amendment, or addition to the city Plan adopted by the Planning Commission shall be certified to the City Council.~~

~~(Ord. 56, passed 11-4-1971; Am. Ord. passed 12-29-1976; Am. Ord. passed 12-24-1981; Am. Ord. passed 12-8-1994; Am. Ord. passed 4-13-1995)~~

~~§ 150.079 PROCEDURE FOR ADOPTION OF PLAN.~~

~~—(A) (1) Before adopting the city plan or any section of it or any substantial amendment thereof, the Commission shall hold at least 1 public hearing thereon, notice of the time, place, and purpose of which shall be given by publication in the official city newspaper at least 10 days before the day of the hearing.~~

~~—(2) The adoption of the city plan or any section or amendment thereof shall be by resolution of the Commission, approved by a majority of all the members of the Commission.~~

~~—(B) (1) Until the City Council adopts the plan certified to it by the Commission, it shall constitute only the recommendation of the Commission.~~

~~—(2) Adoption by the City Council shall be by resolution of the Council passed by a vote consisting of a majority of the members of the Council.~~

~~(Ord. 56, passed 11-4-1971; Am. Ord. passed 12-29-1976; Am. Ord. passed 12-24-1981; Am. Ord. passed 12-8-1994; Am. Ord. passed 4-13-1995)~~

~~§ 150.080 PROCEDURE FOR PLAN EFFECTUATION.~~

~~—(A) Upon the adoption of the Comprehensive city Plan or any section thereof, it shall be the duty of the Planning Commission to recommend to the City Council reasonable and practicable means for putting into effect the plan or sections thereof in order that the same will serve as a pattern and guide for the~~

orderly physical, economic, and social development of the city and as a basis for the efficient expenditure of the funds thereof relating to the subjects of the city plan.

~~—(B) The means may include, at the discretion of the Commission, but are not limited to, zoning regulations, regulations for the control of subdivision plats, an official map, coordination of the normal public improvements of the city, a long term program of capital expenditures, and any other matters as will accomplish the purpose of this section.~~

~~(Ord. 56, passed 11-4-1971; Am. Ord. passed 12-29-1976; Am. Ord. passed 12-24-1981; Am. Ord. passed 12-8-1994; Am. Ord. passed 4-13-1995)~~

~~§ 150.081 ZONING ORDINANCE.~~

~~—(A) No zoning ordinance shall be hereafter be adopted or amended by the Council until a public hearing has been held thereon by the Planning Commission upon notice as provided in M.S. § 462.357, Subdivision 3, as it may be amended from time to time.~~

~~—(B) —(1) The City Council shall act as the Board of Appeals and Adjustments as provided in M.S. § 462.354, Subdivision 2, as it may be amended from time to time.~~

~~—(2) The Board of Appeals and Adjustments shall function as an appellate forum for any person adversely affected by the Zoning Ordinance of the City of North Oaks.~~

~~—(3) Decisions of the Board of Appeals and Adjustments on matters within its jurisdiction shall be final subject to the right of judicial review.~~

~~—(4) Hearings by the Board of Appeals and Adjustments shall be held upon written notice 10 days prior to the hearing date to the interested parties.~~

~~(Ord. 56, passed 11-4-1971; Am. Ord. passed 12-29-1976; Am. Ord. passed 12-24-1981; Am. Ord. passed 12-8-1994; Am. Ord. passed 4-13-1995)~~

~~§ 150.082 PLATS.~~

~~—(A) (1) Every proposed plat of land within the city shall be submitted to the City Council before being filed, and no of land shall be filed unless and until the same shall first have been approved by the City Council.~~

~~—(2) The City Council shall constitute the platting authority for the purposes of M.S. § 462.358 and M.S. Ch. 505, as they may be amended from time to time.~~

~~—(B) Any person who violates this provision or who sells land or offers land for sale or contracts for the sale of land by reference to or by other use of any plat before the plat has been approved by the City Council in accordance with the provisions of this section is guilty of a misdemeanor, and is subject to § 10.99.~~

~~—(C) Before approving a plat, the City Council may submit the same to the Planning Commission for its recommendations. The Planning Commission, within 60 days after any such has been referred to it by the City Council, shall act on the same and shall make its recommendations with respect thereto. The recommendations may consist of:~~

~~—(1) Recommendation that the City Council approve the plat;~~

~~—(2) Recommendation that the City Council disapprove the plat, in which case the~~

~~recommendation shall include a statement of the specific reasons for the recommendation; or~~

~~———— (3) Recommendation that the City Council approve the plat after specified changes or revisions are made therein, which recommendations may include the condition that a revised plat, containing the changes or revisions, be submitted to the Planning Commission, in which case the revised plat shall be so submitted to the Planning Commission for its further consideration and recommendations before action thereon by the City Council.~~

~~(Ord. 56, passed 11-4-1971; Am. Ord. passed 12-29-1976; Am. Ord. passed 12-24-1981; Am. Ord. passed 12-8-1994; Am. Ord. passed 4-13-1995)~~

~~§ 150.083 PROCEDURE FOR AMENDMENTS.~~

~~———— (A) No change shall be made in the Comprehensive city Plan or any portion thereof or regulations governing the platting of land after the plans or regulations have been adopted by the City Council, until the proposed change has been referred to the Planning Commission for report therein and an attested copy of the report has been filed with the Council; and no ordinance or resolution establishing any such plans or regulations shall be adopted by the City Council until the ordinance or resolution has been referred to the Planning Commission for a report thereon an attested copy of the report has been filed with the Council.~~

~~———— (B) Failure of the Planning Commission so to report within 40 days or the longer period as may be designated by the Council after the reference shall be deemed to be approval of the proposed change.~~

~~(Ord. 56, passed 11-4-1971; Am. Ord. passed 12-29-1976; Am. Ord. passed 12-24-1981; Am. Ord. passed 12-8-1994; Am. Ord. passed 4-13-1995)~~

**MDD Amendment #2
Highway 96 Superfund Site**

Sampling Group	Current Sampling Frequency	Number of Homes	Updated Residential Well Sampling Frequencies ⁽¹⁾			
			2019-2022 ⁽²⁾	2023-2027 ⁽³⁾	2028-2032 ⁽⁴⁾	2033
A	Semi-Annually (April and October)	28	Annually	Every Five Years	Every Five Years	No Longer Sampled
B	Annually (October)	34	Every Five Years	Every Five Years	No Longer Sampled	-
C	Biennially (October, Odd Years)	8	Every Five Years	No Longer Sampled	-	-
D	Biennially (October, Odd Years)	7	No Longer Sampled	-	-	-

- (1) - Sampling to be conducted in the month of October at the specified frequency.
- (2) - Five-Year Event to be conducted in October 2022, five years following the comprehensive residential well sampling event (Groups A-D) conducted in October 2017.
- (3) - Five-Year Event to be conducted in October 2027.
- (4) - Five-Year Event to be conducted in October 2032.

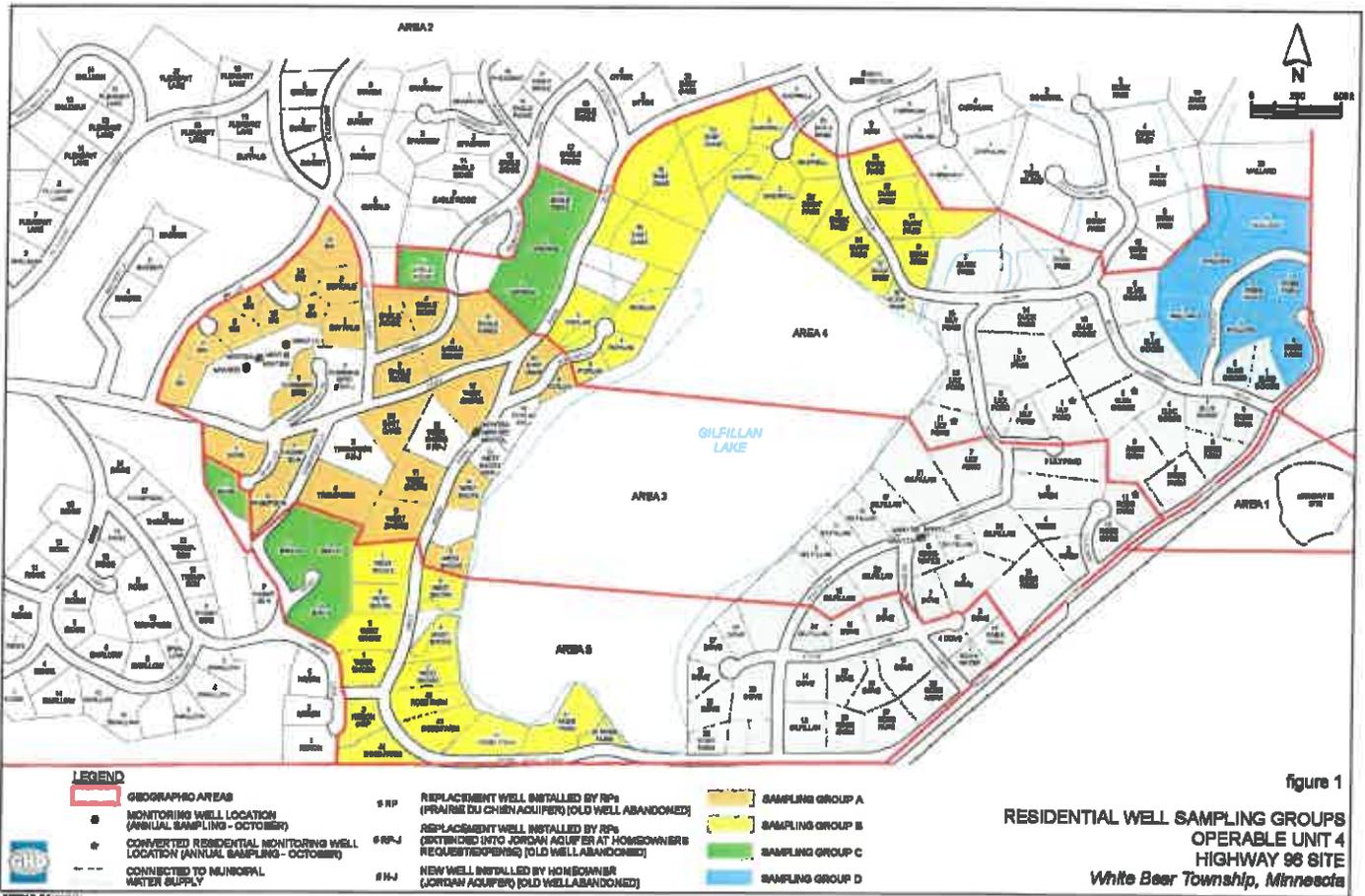


figure 1

**RESIDENTIAL WELL SAMPLING GROUPS
OPERABLE UNIT 4
HIGHWAY 98 SITE
White Bear Township, Minnesota**