

AGENDA
North Oaks Planning Commission Meeting
Community Meeting Room – 100 Village Center Drive, Suite 150
North Oaks, MN 55127
Thursday, September 26, 2019 at 7 PM

Call to Order

Roll Call

Approval of Agenda

Approval of the August 29, 2019 Regular Meeting Minutes

Conditional Use Permit – NOHOA – Shoreland Restoration & Tree Removal

Concept Plan Review – Anderson Woods South

Set November/December Planning Commission Meeting

Next Planning Commission meeting is Thursday, October 24, 2019

**Planning Commission Meeting
August 29, 2019
7:00 PM**

Call to Order

Chair Mark Azman, Temporary Chair, called the meeting to order at 7:00 p.m. and swore in new Planning Commissioner Jim Hara.

Roll Call

Present were Chair Mark Azman, Commissioners Stig Hauge, Yoshimura –Rank, Nick Sandell, Jim Hara, City Planner Bob Kirmis, City Administer Mike Robertson, Recording Secretary Debbie Breen, Absent: Commissioners Nancy Reid and Sara Shah

Approval of Agenda

Motion to Approve by Commissioner Hauge, seconded by Yoshimura-Rank. Unanimously approved.

Approval of July 25,2019 Regular Meeting Minutes

Motion to approve made by Commissioner Yoshimura-Rank, seconded by Commisssioner Hauge. Unanimously approved.

Public Hearing – Request for Subdlvision Approval / Split – Vacant Lot at 42 Mallard Road – Sarah Kudebeh

Chair Azman opened the Public Hearing at 7:05 p.m. City Planner Kirmis reviewed the application made by Sara Kudebeh, which is a vacant 3 acre parcel of land at 42 Mallard Road. Applicant is proposing to subdivide into 2 residential parcels, zoned as Residential Single-Family low density (RSL). This parcel abuts South Mallard Pond and is subject to Shoreland District regulations. This request needs preliminary plan approval, then later final plan approval by North Oaks City Council. As part of future ordinance update, Planner Kirmis suggests that maybe simplify the application process for small subdivisions to a single approval. Within RSL zone designation the minimum lot size is 1.45 acres, shoreland regulations require a minimum 1 acre lot size. In cases where 2 ordinances apply to a request the most restrictive would apply which is the 1.45 acre minimum size. Both proposed parcels would be 1.5 acres so they would meet this requirement. The shoreland setback requirement is 150 feet – which this also meets. RSL zoning states no septic systems are allowed within 30 feet of lot lines and the updated version of the plan reflects this. The parcel on the North is bordered by East Oaks Drive which is a busier road, therefore City staff is requiring driveway access off of Mallard Road. The City Engineer recommends the driveway location be a minimum of 100 feet south of North Oaks Road, with the driveway of Parcel B located at least 100 feet south of the driveway of Parcel A. Each proposed parcel would require space allocated for 2 individual septic systems. Conditions for approval also include: certificate of survey indicate primary and secondary facilities at both parcels, as well as the water main must be illustrated on the final plan along with connections. The parcel would have 3 easements – East Oaks Road/ Mallard road, drainage/utility and a bridal path easement along South Mallard Pond which is 10 feet in width. If the Planning Commission finds that it does not meet requirements, they must detail findings that justify that action. The final option is for the Planning Commission to table the application for further review and study.

Chair Azman asked if both parcels can support ISTS systems, with Planner Kirmis confirming that they could. Chair Azman mentioned that to subdivide an existing lot it is thought that permission may need to be granted by North Oaks Company (NOC). Administrator Robertson stated the Applicant has been advised that they would need to speak with NOC.

Scott Bardwell with Coldwell Bank and Sarah Kudebeh, owner of 42 Mallard Road

Mr. Bardwell is helping the applicant submit the application and will be working with her on the sale of the lots. He mentioned the existing driveway on the south lot would be the logical place for a driveway and he believes the 100 feet separation can be met. They are simply looking for a lot split at this time. The house pad location will be based on the new owner's construction plan and location of the septic. He indicated that tapping into the water line may be cost prohibitive, therefore the new owners may go with a well. Robertson said there is plenty of room on both parcels to place a home and septic and soil tests were taken at several locations. Robertson stated that if new owners came with plans requesting any variance it would be denied since this plan has been approved. Mr. Bardwell will look at ensuring there are no deed restrictions through the North Oaks Company and complete a title search.

Raleigh Brodin – 40 Mallard Road

Mr. Brodin doesn't have any issues with the application. It's an empty lot and the foundation for a home is there. He came into the meeting concerned with setbacks, covenants and was happy to have all of his questions already answered in the City Planner's report. He also has 5 acres which he could possibly entertain splitting later.

Anne Conroy, Chris Hansen – 10 East Oaks Road.

Ms. Conroy lives on the other side of South Mallard Pond. She wanted to be sure that the drain field from the old house that used to be there was not used in the calculations. The lot has a steep drop off from the high ground and also wanted to be sure there was a plan in place for erosion control. Administrator Robertson agreed and mentioned that it is probably more suited to a walk out home. Ms. Conroy is concerned about the water quality, and that the landscape plan is closely reviewed to ensure the pond doesn't get additional stress. She stated the pond is listed as a DNR protected wetland and asked the Planning Commission to take this into account. She indicated that there are other lots around the area that are also large and she is concerned about setting a precedent for future lot splits. Robertson stated only 2 lots within North Oaks have been subdivided in his last 6 years. He added that each lot must be a minimum 1.45 acres to subdivide and very few people build their house based on future subdivision. Their house is placed where they want it, and the need for two new septic sites along with the required well setback make it difficult to create a new lot.

Chair Azman asked Planner Kirmis to review the items in the ordinance that the Planning Commission must consider in their decision. Planner Kirmis stated that the City of North Oaks requires accordance with: lot area, lot width, building and shoreland setbacks, two septic system locations, suitable access to both lots. Final plan must also meet conditions that illustrate drain field sites and that all conditions protecting public health must be approved. Commissioner Hauge stated that so far he is not seeing anything that they could use as just cause to prohibit the subdivision. Commissioner Sandell noted that there is no request for variance, and everything appears to meet City ordinance requirements.

With no further comments, Commissioner Hauge motioned to close public hearing 7:40 pm, Commissioner Hara seconded the motion. The motion was unanimously approved.

Commissioner Hauge motioned to approve the application based on the conditions provided by City Planner. Commissioner Yoshimura-Rank seconded. The conditions include:

- 1. Driveway access to proposed Parcel A shall be from Mallard Drive and shall be at least 100 feet south of East Oaks Road, with the Parcel B driveway at least 100 feet south of the driveway access to Parcel A.**
- 2. Homes on the two lots shall satisfy the maximum 12% floor area ratio requirement for structures within the RSL zoning district.**
- 3. Any dock construction shall comply with applicable regulations of the Shoreland Management Ordinance (Section 153.110.D3)**
- 4. The certificate of survey (preliminary subdivision plan) shall be modified to illustrate primary and secondary septic drain fields for both proposed lots.**
- 5. Individual sewage treatment systems shall comply with applicable Minnesota Department of Health requirements.**
- 6. The location of the wet tap(s) in the watermain, if they choose to connect, shall be subject to approval by City engineer.**

Chair Azman also does not see any reason to deny the application and believes each future application will be considered on its unique individual circumstances so there is no precedent being set.

Commissioner Yoshimura-Rank mentioned that when the home plans are presented for approval it would be reviewed to ensure setbacks are met and DNR concerns addressed with the new buyer having to prove it meets erosion control. Robertson said that the Planning Commission cannot put North Oaks Company or NOHOA landscape plan approvals as conditions of Planning Commission approval since this is out of their purview. Chair Azman confirmed with Administrator Robertson that soil samples were taken from areas other than the original drain field. Commissioner Yoshimura-Rank asked about possibility of needing a 3rd ISTS location. Administrator Robertson mentioned that the septic inspector has stated there is almost always a means for septic options, they just get more expensive as the primary locations are used up.

All Commissioners voted in favor of the Approval of the application to subdivide 42 Mallard with conditions noted. Motion carried.

Public hearing -Request for Conditional Use Permit for 33 Mallard Road – Combined Garage Space over 1,500 Square Feet- Fady Daw

Continuation of public hearing from the July 2019 Planning Commission meeting. Administrator Robertson stated that at the last meeting the Planning Commissioners requested a site plan and elevations with the garage door highlighted along with a landscape plan. These items have been provided to the Commission. Chair Azman asked for the location of the septic and well or if it is hooked up to the water system. Robertson stated that the City Engineer did confirm that the drainage was adequate.

Applicant Fady Daw – 33 Mallard Road

Commissioner Hauge thanked Mr. Daw for attending and asked him to describe how the garage would work. Mr. Daw stated that it would not be an issue driving down to it as it would not be used in the wintertime. It would most likely will be used as an exercise room but he added the garage door in case he wanted to store his summer cars. He does not want to leave them outside for safety purposes, and it would also keep the driveway clean.

Commissioner Hara asked for clarification on what doors are currently in place. Mr. Daw stated that it was originally planned as bifold doors, but he would be taking off the glass doors and changing it to a high-end garage door. Commissioner Hara indicated that he is aware of other homes within North Oaks that have multiuse space such as this. Planner Kirmis mentioned that it requires a Conditional Use Permit because it is in excess of 1,500 square feet of garage space. The CUP concerns to review are: potential negative impacts of appearance and neighbor impacts, architecture, appearance, orientation of garage doors, etc. In this situation, the garage is on lower level therefore would not impact neighbors based on the orientation. Mr. Daw stated that the garage is not visible from the road and that issues have been resolved with NOHOA. Mr. Daw believes home is valued at \$2.3 million and should add value to the area for surrounding homeowners.

With no further comments Commissioner Hara motioned to close the public hearing at 7:59 p.m., seconded by Joyce Yoshimura-Rank with unanimous approval.

Commissioner Hara motioned to approve the Request for Conditional Use Permit for Combined Garage Space over 1,500 Square Feet with two conditions. Commissioner Yoshimura-Rank seconded. The conditions include;

- 1) Plans must be approved by the Building Official prior to the beginning of construction.**
- 2) Any outstanding fees shall be paid prior to the approval of the plans.**

All commissioners voted to recommend approval of the Conditional Use Permit with two conditions.

Planning Commission Training – City Attorney Kory Land

Commissioner Yoshimura-Rank confirmed that the City Attorney firm has been officially approved. Attorney Land stated a contract is in place and provided background on both herself and Attorney Bridget Nason. She reviewed the second portion of the training manual for Planning Commissioners. Highlights include the following.

Different categories of zoning ordinances:

- **Permitted Use-** A use is permitted as of right with no special approval required or findings needed.
- **Conditional Use Permit (CUP) –** Permitted use to which reasonable conditions may be attached based on factual findings. Needs a little extra attention to the request.
 - **Criteria for approving a CUP:** Must be compatible with the neighborhood, in accordance with the Comprehensive Plan, can't endanger public health, safety, welfare. There may be additional local regulations. CUP are important to a property owner, because it is attached to the land – and goes to any new owner. Can only get rid of them if a condition has been violated or revoked by Council.
- **Interim Use-** Temporary use of the land in which reasonable conditions will expire on a certain date, or when zoning ordinance no longer allows it. Examples: seasonal gardens in parking lots. Examples: seasonal garden sales in parking lot.

Variances:

A variance is permission to break a rule. The commission does not have to grant a variance but is permitted to do so. A variance is approval to depart from the requirements of the zoning ordinance; permission to “break the rules”. The standard test is “practical difficulty”. Commissioner Hara asked if each applicant can be considered on own or precedent. Attorney Land stated that each variance stands on its own, but it can look bad if applications have similar circumstances but City action is different. If going to grant a variance it must meet the following test.

- **Practical difficulty test:** Property cannot be used in reasonable manner, unique circumstances to the property NOT created by the homeowner. (can't be financial only and homeowner can't be caused by the homeowner).
- **Unique Circumstances not created by the homeowner:** If a landowner purchases property knowing it will need a variance is his situation self-created and therefore he cannot meet the unique circumstances? Her view is that he did not create the physical characteristics, they pre-existed ownership, there is not guarantee it will be approved, but hope it can be approved. Economic circumstances are not a justified reason for variance.
- **Character of Neighborhood:** Will look at whether the result will be out of scale, out of place or otherwise inconsistent to the area.

Keep in mind there are rules enacted for a reason and need to stick to those rules wherever possible as to not set a precedent.

Planning Commission is responsible for reviewing any Zoning Ordinance Amendments.

Zoning Ordinance Amendment: In order to approve a zoning ordinance amendment-

- Must comply with Comprehensive Plan
- Must not impede orderly development
- Must not endanger, injure, detrimentally impact surrounding properties.

Zoning Map Amendment: Commissioners must look at the request as a whole and how it is connected to possible impact in other areas.

- Greater burden on applicant than on government to change zoning
- Relationship to comprehensive plan important, cannot allow spot zoning
- Rezoning residential to commercial or industrial requires 2/3 vote

Must make sure that Comprehensive Plan Amendment accompanies a Zoning Map Amendment because they must be in synch. When a conflict with Zoning Ordinance, the Comprehensive Plan always wins. There is a state law that now states the zoning must be in synch with Comprehensive Plan.

60 Day Rule:

- Failure of the City Council to act on a zoning application within 60 days after receipt of the completed application results in automatic approval of the request. The PC has 1-2 meetings to consider an application.
- **Statutory exceptions:** Can extend the time to act on an application for up to an additional 60 days with a Staff letters with reasons for the request and length of extension. Applicant can also request an extension. All applications must be acted upon within 120 days.
- If application is denied, an Applicant can reapply with new information.

Conflict of interest:

Can't have a direct or indirect personal or financial interest in any matter upon which you can make a decision. Remove yourself from the situation. Examples: rezoning your own property, applicant is a client, or neighbor applies for a variance. If so: disclose the conflict, do not participate in the discussion or the vote, leave the room during the vote.

Gift Law:

City Officials cannot accept gifts from interested persons, which could be anyone within North Oaks because applications may come up in future from any neighbor. City Official is any elected or appointed officer (Planning Commission is appointed). This includes money or personal property, service, etc. Nothing over \$5 in value.

Commissioner Yoshimura-Rank asked for clarification when a public hearing is needed. Attorney Land indicated that any requests for Variances, CUP, final plats, zoning and text amendments require a public hearing by Statutory regulation. Administrator Robertson stated that our ordinance currently states that no public notice is required for ISTS variance hearings, but the new attorneys will be reviewing this. He also mentioned that the City of North Oaks has a very consistent track record of not approving variances, with few exceptions. Administrator Robertson stated he will send the report on past variances to all the Planning Commissioners.

Chair Azman announced the next meeting as Thursday, September 26, 2019.

Administrator Robertson discussed his upcoming retirement. He will stay until a new replacement begins. He noted that the October Planning Commission meeting will fall on Halloween and asked if they wanted to change the date.

Motion to move the move the meeting to October 24, 2019 made by Commissioner Sandell, with Commissioner Hauge seconding. Unanimously approved.

The November and December meeting dates will be discussed at the next Planning Commission meeting.

At 8:57 p.m., Commissioner Yoshimura-Rank motioned to adjourn, seconded by Commissioner Hauge, with all in favor.



PLANNING REPORT

TO: North Oaks Planning Commission

FROM: Bob Kirmis, City Planner
Mike Robertson, City Administrator
Mike Rehder, City Forester

DATE: September 19, 2019

RE: North Oaks - NOHOA - Conditional Use Permit to allow
Forest Management activities within the Shoreland Overlay District
Boundaries of Pleasant Lake

FILE NO: 321.02 - 19.06

Date Application Determined Complete:	September 9, 2019
Planning Commission Meeting Date:	September 26, 2019
City Council Meeting Date:	October 10, 2019
60-day review Date:	November 8, 2019
120-day Review Date:	January 8, 2020

BACKGROUND

In support of its Natural Environment Stewardship Team (NEST), the North Oaks Home Owners Association (NOHOA) has requested the approval of a conditional use permit to allow "forest management" activities to take place within the Shoreland boundaries of Pleasant Lake. Specifically, NOHOA wishes to preserve and enhance the natural environment of NOHOA-owned properties by removing Buckthorn and Ash trees in certain locations around the lake.

The applicant's request is primarily a response to the Emerald Ash Borer disease which has now spread across 35 states. The strategy is to spread out the costs of tree removal and replacement over a number of years to reduce the financial burden on North Oaks residents.

The City's Shoreland Management Ordinance classifies Pleasant Lake as a "recreational development" lake. According to Section 153.026 of the Shoreland



Ordinance, “forest management” activities which take place within the shoreland boundaries of “recreational development lakes” are subject to conditional use permit processing.

To be noted is that the City approved a similar conditional use permit request in the fall of 2015. Included as a condition of approval was a stipulation that the conditional use permit terminate after two years. In this regard, the previously approved term has expired. The intent of the term limit was to ensure that periodic review takes place.

The requested conditional use permit is intended to allow NOHOA to continue its forest management activities. The applicants have requested a five-year term for the conditional use permit.

Attached for reference:

- Exhibit A: Applicant Narrative, including the following attachments:
- Natural Environment Stewardship Team Charter
 - Emerald Ash Borer Management Plan (2013)
 - Mn Dept of Agriculture Noxious Weed List
- Exhibit B: City Forester Letter of Recommendation
Exhibit C: Maps of Ash Trees around Pleasant Lake

ISSUES AND ANALYSIS

2015 Conditional Use Permit. In the fall of 2015, the City approved a conditional use permit to allow “forest management” activities to take place within the Shoreland boundaries of Pleasant Lake. The conditional use permit was approved subject to the fulfillment of the following conditions:

- 1) *All residents having ash trees removed adjacent to their land shall be notified.*
- 2) *All contractors must be licensed and must stay off private property.*
- 3) *Any chemicals used must be approved by the City Forester.*
- 4) *Chemicals cannot be applied in a basal drench but must be injected into the tree.*
- 5) *Waste wood must be transported in accordance with Minnesota state law governing the transport of ash trees.*
- 6) *NOHOA shall review the Forestry Best Practices approved by the City for their applicability.*
- 7) *NOHOA must notify the City Forester before all removals.*



8) *The CUP would last two years.*

Considering that no changes have been made to the 2013 Emerald Ash Borer Management Plan, the preceding conditions remain relevant. In this regard, it is recommended that the listed conditions continue to apply to the new conditional use permit.

Conditional Use Permit Evaluation Criteria. Section 153.056 of the Shoreland Management Ordinance stipulates that, in the consideration of conditional use permit applications, the Planning Commission must consider certain factors. These factors, along with a Staff comment, is provided below:

1. *Relationship of the proposed conditional use to the Comprehensive Plan.*

Staff Comment. The City's Comprehensive Plan strongly encourages the preservation of natural resources. This is evidenced by the preparation of the City's 1991 Natural Resources Preservation Plan and the creation of the Natural Resources Commission in 2007.

The proposed forest management activities are considered a positive step toward the preservation of the City's natural resources and are in compliance with the Emerald Ash Borer Management Plan developed by the Natural Resources Commission and approved by the City Council.

2. *The nature of the land and adjacent land or building where the use is to be located.*

Staff Comment. The proposed forest management activities will take place upon NOHOA-owned shoreland, wetland, woodland and prairie properties which lie within the shoreland overlay district boundaries of Pleasant Lake.

It is possible that some forest management activities may take place in relatively close proximity to single family homes. To address this concern, the following conditions are recommended as conditions of conditional use permit approval:

- All residents having vegetation removed adjacent to their land shall be notified in advance of field work activities.





- All contractors shall be licensed and shall not encroach upon private property.

3. *Whether the use will in any way depreciate the area in which it is proposed.*

Staff Comment. The removal of Buckthorn (an invasive species) and Ash trees which are susceptible to disease is considered a positive effort which will not depreciate the area in which such activities are proposed. In fact, an argument could be made that the removal of such trees could actually increase area property values.

4. *The effect upon traffic into and from the premises and on adjoining roads or highways.*

Staff Comment. The proposed forest management activities will have no impact upon traffic and adjoining roadways.

5. *Whether the use would disrupt the reasonable use and enjoyment of other property in the neighborhood.*

Staff Comment. While minimal, it is anticipated that tree removal activities (i.e. chainsaw noise) may be audible from nearby neighborhoods.

Except in the case of storm emergencies, it is recommended that tree removal efforts comply with applicable noise and/or nuisance requirements of the City.

6. *Whether adequate utilities, roads, and other facilities exist or will be available in the near future.*

Staff Comment. This factor is not applicable to the proposed forest management activities.

7. *Whether the proposed conditional use conforms to all of the provisions of this chapter.*

Staff Comment. Vegetative alterations which take place in shoreland overly districts are regulated by Section 153.052.B of the Shoreland Management Ordinance.





The shoreland provisions specifically note that all vegetative alterations (including removal) within 100 feet of the ordinary high-water level of any public water is subject to City Forester review and approval.

8. *Increased setbacks from the ordinary high-water level.*

Staff Comment. This factor is not applicable to the proposed forest management activities (as the erection of structures is not proposed).

9. *Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.*

Staff Comment. Due to potential fluctuations related to the spread of the Emerald Ash Borer disease, it is not considered appropriate to establish a maximum removal requirement. This issue should, however, be subject to further comment and recommendation by the City Forester.

10. *Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.*

Staff Comment. This factor is not applicable to the proposed forest management activities.

Term of Conditional Use Permit. The previously approved conditional use permit was subject to a two-year term which expired in 2017. The purpose of the two-year term was, in part, to keep the City abreast of the Emerald Ash Borer problem in the City.

Recognizing that conditional use permits run with the land and are perpetual, Staff recommends that, rather than imposing a conditional use permit termination date, a condition be imposed which simply requires periodic reporting. Such reporting would be beneficial by informing City Officials and residents of new infestations, treatment options, removal requirements and program progress.

As a condition of conditional use permit approval, it is recommended that an annual progress report on the forest management efforts (implementation of the Emerald Ash Borer Management Plan) be provided to the City Council and Natural Resources Commission.





To be recognized however, is that the processing of a conditional use permit amendment may, however, be necessary if substantial changes to the forest management efforts are proposed or the terms of the present conditional use permit cannot be satisfied.

STAFF RECOMMENDATION

Based on the preceding review, Staff recommends approval of the requested conditional use permit (to allow Forest Management activities within the Shoreland Overlay District of Pleasant Lake) subject to the following conditions:

1. The applicant shall inform the City of planned vegetative removal projects before field work takes place.
2. All work shall conform to the recommendations and stipulations of the Emerald Ash Borer Management Plan and Best Management Practices.
3. NOHOA Staff and vendors shall be licensed in pesticide application by the Minnesota Department of Agriculture.
4. All necessary State, County, City or local units of government permits shall be acquired prior to the commencement of project work.
5. All residents having ash trees removed adjacent to their land shall be notified in advance of field work activities.
6. All contractors shall be licensed and shall not encroach upon private property.
7. Any chemicals used shall be approved by the City Forester.
8. Chemicals shall not be applied in a basal drench but shall be injected into the tree.
9. Waste wood shall be transported in accordance with Minnesota state law governing the transport of Ash trees.



10. NOHOA shall notify the City Forester before all removals.
11. Except in the case of storm emergencies, tree removal efforts shall comply with applicable noise and/or nuisance requirements of the City.
12. The City Forester provide comment and recommendation regarding the possible establishment of a maximum vegetation removal requirement.
13. The approved conditional use permit shall run with the land and shall not be subject to a five-year reconsideration or the processing of a new conditional use permit. The processing of a conditional use permit amendment may, however, be necessary if substantial changes to the forest management efforts are proposed or the terms of the present conditional use permit cannot be satisfied.
14. The applicant shall provide an annual progress report on the forest management efforts (implementation of the Emerald Ash Borer Management Plan) to the City Council and Natural Resources Commission.
15. Comments of other City Staff.

PLANNING COMMISSION OPTIONS

In consideration of the conditional use permit application, the Planning Commission has the following options:

- A) Recommend approval, with conditions, based on the applicant's submission, the contents of this report, public testimony and other evidence available to the Planning Commission.**
- This option should be utilized if the Planning Commission finds the proposal adheres to all City Code requirements or will do so with conditions.
 - Approval at this time means that, upon City Council approval, the applicant can conduct forest management activities within the shoreland overly district boundaries of Pleasant Lake subject to the satisfaction of all imposed conditions.





B) Recommend denial based on the applicant's submission, the contents of City Staff report, received public testimony and other evidence available to the Planning Commission.

- This option should only be utilized if the Planning Commission can specifically identify one or more provisions of City Code that are not being met by the conditional use permit proposal.

C) Table the request for further study.

- This option should be utilized if the Planning Commission feels the proposal is appropriate and should move forward, but that certain design aspects need to be amended and brought back before a recommendation for approval can be given.

cc: Mark Rehder, City Forester
John Mazzitello, City Engineer
Bridget Nason, City Attorney
Mikeya Griffin, NOHOA Executive Director
Stephanie McNamara, Vadnais Lake Area Water Management Organization
Jenifer Sorensen, Department of Natural Resources





NORTH OAKS HOME OWNERS' ASSOCIATION

Request: Five Year NEST Conditional Use Permit (CUP)

The North Oaks Homeowners Association (NOHOA) is requesting the granting of a Conditional Use Permit (CUP) that would support the initiatives of NOHOA's Natural Environment Stewardship Team (NEST). NEST is a standing committee of NOHOA with the charge "to preserve and enhance the natural environment of NOHOA-owned properties for current and future generations following good stewardship and best environmental practices." (Attachment 1: NEST Charter) The NEST CUP would be for select activities and would allow NOHOA to: continue practicing good stewardship regarding its shoreland and wetland, woodland and prairie properties, incorporate best management practices into projects, work with multiple respected partners, and achieve timely goals that encourage a better natural environment for the future, without the delays and costs associated with acquiring a traditional CUP.

NOHOA has already been granted CUPs allowing for the removal of buckthorn and ash trees on its upland properties. This five year CUP would build and expand on the conditions of those permits and would replace them.

Successful Partnerships

NOHOA is requesting that the traditional CUP and its associated fees be waived for NEST-related projects on NOHOA land through 2025. NOHOA has an all-encompassing approach to managing its natural resources and has established a reputation for successful projects. Over the years, NOHOA has developed relationships and partnerships with reputable external support organizations in a good-faith effort to preserve and enhance the natural environment for its Membership to enjoy. Some of these partners are:

- City of North Oaks
- North Oaks Company
- MN Department of Natural Resources (DNR)
- Ramsey County Soil & Water Conservation District (RCD)
- Ramsey County Cooperative Weed Management Area (RCCWMA)
- Vadnais Lakes Area Watershed Management District (VLAMO)
- St Paul Regional Water Management (SPRWS)
- Minnesota Pollution Control Agency (MPCA)
- University of Minnesota (U of MN)
- North Oaks Golf Club

Successfully Completed Projects

The list below is a brief history of recently completed projects. Attachment 2 goes into detail on both shoreland and wetland sites, as well as woodland and prairie sites. It describes the partners and their roles in successfully implementing these projects.

- Shoreland Restoration and Stabilization
- CAPSTONE Project
- Invasive Species Management- Oak Wilt, Dutch elm disease, Emerald Ash Borer,
- Pollinator habitats
- Citizen Science

Respected Vendors

NOHOA created NEST (Natural Environment Stewardship Team) as an in-house team of citizen volunteers to help manage the numerous projects they were undertaking. NEST members work collaboratively with staff and vendors to facilitate and implement successful projects. The Association however also seeks guidance and relies on the expertise of a number of respected vendors. NOHOA has a strong history of working with these vendors and the results have been positive. NOHOA has its own checks and balances in place to ensure work is done properly and any required local unit of government permitting is in place. They check on contractors as field work is taking place to validate it is meeting the specifications set forth in their contracts.

Contractors include but are not limited to;

- Mel's Services
- Rehder Forestry Consulting
- Natural Shores Technologies, Inc.
- Minnesota Native Landscapes
- Prairie Restoration, Inc.
- Langer's Tree Services
- S&S Tree/Davey Tree
- Ecological Strategies
- Barr Engineering Co.

Environmental Projects in the NEST CUP

In order to expedite time-sensitive projects and apply CUP application funds toward bettering the natural environment, the association would like to apply the NEST CUP towards the following projects:

- Ash tree removal considering mass tree mortality associated with the Emerald Ash Borer (EAB) on NOHOA's woodland and shoreland properties (City of North Oaks approved Emerald Ash

Borer Management Plan, Attachment 3) Note: EAB was officially detected in the community this past winter near the SPRWS property on E. Pleasant Lake Rd.

- **Buckthorn removal on NOHOA's woodland and shoreland properties**
- **Ability to remove and/or treat all species on the MN State or Ramsey County invasive and noxious weed list as necessary on NOHOA properties. (Attachment 4)**
- **Shoreline stabilization/restoration projects on NOHOA properties**
- **Plantings of trees, shrubs, grasses, and aquatic vegetation on Association properties**

Projects that would not be included under the NEST CUP would include:

- **Anything having effects on traffic, drainage, utilities, public health, safety, comfort, convenience or general welfare**
- **Moving over 20 cubic yards of soil**

Below is additional background information related to NOHOA's request for a five year NEST CUP:

- 1) **CUP's have been repeatedly executed for the same or similar services in the past without issue.**
- 2) **It is not a land use-based permit and will have no effect on traffic, drainage, utilities, public health, safety, comfort, convenience or general welfare.**
- 3) **NOHOA is a non-profit association assigned to maintain its properties on behalf of its Members. Like the City, NOHOA's actions are not for personal benefit or financial gain.**
- 4) **The rationale for undertaking these projects is primarily to protect and enhance the ecology of Association property and to limit the threats from invasive species, not solely for better views or subjective enhancement.**
- 5) **Time and money spent on the permitting process could be better used towards promoting and completing projects.**
- 6) **Quicker response time would help address important projects that are time sensitive.**
- 7) **The cost of providing necessary documentation to the City and then waiting for turnaround, especially if there are delays, would be limited.**
- 8) **NOHOA looks to contracted environmental specialist for guidance and leadership in the management of its properties. Private contractors are required to procure all necessary permits.**
- 9) **NOHOA promotes the use of best management practices that are sustainable and provide stability with regard to its shorelands and wetlands, woodlands and prairie.**
- 10) **NOHOA seeks opportunities with its partners to promote the ecological health of lake, shoreline, wetland, woodland, and prairie systems.**



NORTH OAKS
HOME OWNERS ASSOCIATION

NOHOA Committee Charter – NATURAL ENVIRONMENT STEWARDSHIP TEAM (NEST)

Committee Name: Natural Environment Stewardship Team (NEST)

Committee Charge: The charge of NEST is to preserve and enhance the natural environment of NOHOA-owned properties for current and future generations by following good stewardship and best environmental practices.

Reporting Structure: Board approval is required for Implementation of the Committee's recommendations. Team meeting notes and status reports should be prepared and circulated in a timely manner, allowing for a written summary to be provided by the Chair - to the entire Board - at its monthly meeting. At least one NOHOA Director shall serve on NEST but not necessarily be Chair.

Committee Goals/Parameters:

- 1) Agree to the written Code of Conduct for NOHOA Committee Members and have each member complete and abide by NOHOA's Conflict of Interest Policy, Annual Disclosure Statement.
- 2) Provide opportunities for NOHOA members to participate in caring for NOHOA's natural resources and thus promote awareness, volunteerism and stewardship within the community.
- 3) Plan, Implement, and evaluate activities that preserve, protect, maintain, and, as necessary, restore the natural environment of NOHOA properties.
- 4) Utilize best practices that are sustainable and provide stability with regard to NOHOA's shorelands and wetlands, woodlands and prairie.
- 5) Look to NOHOA's contracted environmental specialists for guidance and leadership in the management of NOHOA's properties.
- 6) Be alert for opportunities to embrace the art of nature on NOHOA properties
- 7) Develop relationships and collaborate with external support organizations such as the Vadnais Lake Water Management Organization (VLAWMO), St. Paul Regional Water Service (SPRWS), Department of Natural Resources (DNR), Ramsey Soil & Water Conservation District (RCD), and University of MN Extension.
- 8) Develop NOHOA focus groups, programs, and community events which support collaborative, working relationships with VLAWMO, RCD, DNR and other professional organizations studying and promoting the ecological health of lake, shoreline, wetland, woodland, and prairie systems.
- 9) Provide liaison representation on VLAWMO's Technical Commission (TEC) and the City's Natural Resources Commission (NRC).
- 10) Collaborate on projects with North Oaks community organizations, such as the Garden Club and Historical Society as appropriate.

Committee Members: NEST is comprised of a mix of NOHOA Board and Residential and non-Residential Members who have interest, expertise and commitment to stewardship of the natural environment in North Oaks. A representative of other organizations such as VLAWMO, RCD, and NRC may be invited as committee liaisons.

Duration of Service: Committee members are appointed by the Board annually at the beginning of each fiscal year or during the year consistent with the Bylaws.

Term of Committee Responsibility: NEST is a standing committee of the Board.

Meeting Frequency: Meetings and/or educational events are conducted quarterly.

Recruitment: Application for membership is followed by the President's appointment and approval by the Board.

NOHOA's Environmental Stewardship & Natural Resource Management Summary & Update, 2018

NOHOA values the natural environment of North Oaks that makes the community so unique and is committed, as reflected in its mission, vision, and values, to preserving and enhancing it through outstanding leadership, services and stewardship. NOHOA's Natural Environment Stewardship Team (NEST) is a group of NOHOA Members that works with NOHOA staff and vendors to facilitate and provide Member support to these endeavors. In addition, NOHOA strives to maintain working and consulting relationships with the City Forester, Vadnais Lake Area Water Management Organization (VLAWMO), St. Paul Regional Water Services (SPRWS), Ramsey Soil & Water District, the MN Department of Natural Resources, MN Department of Agriculture, various departments at the U of MN, and professionals recognized for their expertise in related environmental and natural resource management fields.

Shoreland & Wetland:

NOHOA owns nearly eight miles of shoreline, including all of the shoreline around Pleasant Lake and its island, portions of Charley and Deep Lakes, and one small parcel on Lake Gilfillen. The following steps have been taken to preserve and enhance NOHOA's shoreland property:

1. **Shoreland Restoration, Historical Perspective:** The first major shoreline restoration project undertaken by NOHOA was done on the southwest side of Pleasant Lake in 2008. It focused on an area where there was severe undercutting of the shoreline which was jeopardizing the integrity of the trail system. An assessment of the entire Pleasant Lake shoreline followed in 2009 and was conducted by Great River Greening which produced the 122 page document "Pleasant Lake Shoreline Evaluation, 2009" (1). Based upon the recommendations of the 2009 study, "urgent" areas were prioritized for restoration projects during the summers of 2009-2017. Once the urgent sites were addressed, a reassessment was done in 2016. The reassessment suggested the most important next step would be to focus on stabilizing the water level of Pleasant Lake to help ensure both the success of the projects already undertaken and to help mitigate further erosion at other sites.
2. **NOHOA's Shoreland Stabilization Initiative with Stakeholders:** While shoreline erosion can be a natural phenomenon, it was recognized that NOHOA's shoreline is uniquely susceptible to instability because the North Oaks chain of lakes is an integral part of the St. Paul Regional Water System (SPRWS). SPRWS monitors and controls the water level of Pleasant Lake. The regular intake of water from the Mississippi River into the system can cause a much larger swing in the water levels compared to what one would naturally observe in nature. In collaboration with the SPRWS, Vadnais Lake Area Water Management Organization (VLAWMO), Barr Engineering, and the U of MN Department of Engineering, a U of MN Capstone Project was undertaken in the fall of 2017 to determine what the lake level fluctuations were for Pleasant Lake and if they could be made more stable to mimic a more natural state. Since the completion of the Capstone Project (2), SPRWS has become even more committed to providing a more stable water level for Pleasant Lake. This dedication to providing a more natural lake level is having a positive impact on both the shoreland and the wetland areas that are affected by the SPRWS system. For example, there is less need to adjust the docks at the beach during the summer months, and the nearby wetlands seem more stable.

3. **Shoreland Stewardship involving NOHOA Members:** To help minimize potential manmade erosion issues on NOHOA's shoreline, a shoreland policy and procedure was formulated and passed by the NOHOA Board in 2017 (3). The policy is mailed each spring to NOHOA Members owning property adjacent to NOHOA's shoreland and outlines the procedures necessary to make modifications to the shoreland--both vegetative and structural changes.
4. **Shoreland Management, Current Plan:** A visual assessment of NOHOA's shorelines from the various lake vantage points (Pleasant, Charley, and Deep) was undertaken in July of 2018. This visual assessment indicated the shorelines were stable with no urgent erosion issues. A visual assessment from the upland side is planned for late fall in 2018. A pilot shoreline/buffer restoration project (from the beach west to the pedestrian bridge at the Deep Lake Channel) was undertaken in the early fall of 2018 and included the removal of buckthorn, small ash trees, and invasive species. The area was then restored as necessary with native plants. Together, the assessments taken from both the lake and upland vantage points and the pilot restoration project will be used to develop a long range shoreland management plan for NOHOA. A community education component is anticipated to be part of the plan.
5. **Invasive Species Management:** NOHOA is committed to setting the example for managing invasive species on its properties utilizing best practices while also recognizing the financial constraints for doing so. Invasive species management is an integral part of NOHOA's shoreland and wetland projects. For example, buckthorn management and small ash tree removal is addressed as part of NOHOA's shoreland restoration projects and will be factors in prioritizing such projects.
6. **Citizen Science Opportunities:** In cooperation with VLAWMO, NOHOA has placed two Picture Posts on the Pleasant Lake trail (one by the pedestrian bridge at the Charley Lake Channel and one by the pedestrian bridge at the Deep Lake Channel). Information on the natural environment, such as shoreline change, algae blooms, ice in/out, water levels, etc., will be collected by NOHOA Members over time as part of Citizen Science in North Oaks. (4,5,6).

Woodland & Prairie:

1. **Emerald Ash Borer:** While emerald ash borer (EAB) has not been officially detected in North Oaks, NOHOA continues to implement its proactive response of removal, treatment, and monitoring of ash trees on its properties. NOHOA adopted an Emerald Ash Borer (EAB) Plan at its June 4, 2015, meeting (7). NOHOA's primary goal is to reduce the potential of injury to people or damage to property from potentially hazardous ash trees. Trees in high traffic, recreation and trail areas have been prioritized for removal or treatment. NOHOA used the *Minnesota Department of Agriculture's Community Preparedness Manual* (8) as its primary resource for developing its proactive plan. Criteria used to determine how ash trees on NOHOA property are addressed include: the size of the tree, the location of the tree relative to public access, the condition and health of the tree, easement factors, location and accessibility for removal, and its contribution to good forest management. An inventory of ash trees on NOHOA property was initiated in late 2014, conducted over several years, placed on Google Maps, and focused on ash trees on the trail system and in recreation areas. Ash trees have been categorized as appropriate for removal, inclusion in an insecticide treatment program, or monitoring with no action to be taken at this time. Ash trees in high traffic, recreation and trail

areas have had first priority for removal or treatment with removal occurring in the fall and winter months and treatment occurring in the summer. About seventy ash trees have been selected for the treatment program and have been injected with the insecticide emamectin benzoate. These trees have been divided into two groups with treatment repeated every two years for each group. About seventy-five large ash trees have been removed. Smaller ash trees are routinely removed by NOHOA's management company and by arborists doing projects on NOHOA properties.

2. **Mary Hill Park:** This 3.4 acre site, historically referred to as the Cemetery, is located on Pleasant Lake a half mile east of the beach and has been recognized by foresters and ecologists as a unique site that warrants responsible stewardship. NOHOA contracted to complete a tree inventory and assessment of the site in December, 2016 (9). Buckthorn management was prioritized in the fall of 2016 with removal by volunteers followed by a professional buckthorn overspray in the fall of 2017 and a spring burn in 2018. Historian, Eileen McCormack has provided a report on the history of plantings in the park in the early 1900's (1916-1938). Ongoing treatment for oak wilt was done in the fall of 2018 on the western end of the property. Staff and NEST members are working with vendors to develop a long range plan for the property that includes the planting of additional native plants, shoreline restoration, and educational signage. The plan will include ongoing management of buckthorn and periodic burns. Cynthia Lane, PhD, of Ecological Strategies, was contracted by NOHOA in late 2018 to develop a concept, landscape drawing for the entrance to the park that would feature natives and provide year round interest. Cynthia is on track to submit her proposal to NOHOA by mid-February. Once the entrance design is agreed upon, its installation has potential to become an Eagle Scout project with partial VLAWMO funding.
NEST Members have ascribed the following adjectives to Mary Hill Park: unique; natural; undisturbed; mysterious (in a good way); magical; meditative space/"Secret Garden"; peaceful; quiet; ecological diverse gem; educational; opportunities for conservation, preservation, restoration; historically and scientifically relevant; recreational opportunities
3. **Pollinator Habitats: Gilfillan Lake Property and Larkspur Lane Property:** Both properties were intentionally not developed by the North Oaks Co. and left as passive recreation areas, mainly because of the vistas they provide. The two properties are also unique in their suitability as pollinator habitats. The shoreline of NOHOA's property on Lake Gilfillan was converted to a pollinator habitat over several years, beginning in 2015. Dedicated volunteers helped to get the project underway with the finishing touches added by a professional vendor. The Larkspur property was recognized to have potential as a pollinator habitat by NEST and steps were taken to begin its transition in the summer of 2018. Phase 1 of the project included: having the site mowed for the first time, removing invasive and undesirable trees and bushes, and applying herbicides. If all goes well, there will be pollinator seeds installed in the spring of 2019. Fundraising is part of the Larkspur project and is directed towards those Members living nearby the site and those interested in such projects. Once this pollinator habitat has been established, phase 2 will be undertaken which will consist of removing invasive and undesirable trees on the north side of the property. Completing phase 2 will allow the property to be more visible to those driving on E. Pleasant Lake Rd. to and from the Golf Club.
4. **Buckthorn Management:** A multi-prong approach to managing buckthorn on NOHOA properties will be developed in 2019 with plans for implementation in the fall of that year.

REFERENCES (Note: Reference titles of documents need to be added by DG)

(References will be accessible on NOHOA's website under _____)

1. **"Pleasant Lake Shoreline Evaluation, 20019"**
2. **U of MN Capstone Project, 2017, Pleasant Lake Water Levels**
3. **"Amended Policy and Procedure for Shoreland Property Owned by NOHOA",2017**
4. **Signage for Charley Lake Channel Picture Post**
5. **Signage for Deep Lake Channel Picture Post**
6. **Pocket guide for Picture Post Participation**
7. **NOHOA Emerald Ash Borer (EAB)—recommend updating the original plan to make it current for 2018/19**
8. **"Minnesota Department of Agriculture's Community Preparedness Manual" for Emerald Ash Borer**
9. **Mary Hill Park Tree Inventory by S & S Tree Service, 2016**

Attachment 3
approved 9/12/13

North Oaks Emerald Ash Borer Management Plan

PURPOSE

By proactively implementing the provisions of this management plan, the City is attempting to mitigate the disruption to its urban forest caused by the infestation of the Emerald Ash Borer (EAB). Taking a proactive approach to the potential infestation enables the City to address both public and private impacts in an efficient and effective manner.

The City will attempt to distribute costs associated with the EAB over a manageable time period, and lessen the economic and social impact that an extensive loss of ash trees would have on the quality of life in our community.

In establishing this management plan, the City considered the following factors:

- EAB, a non-native insect was first discovered in SE Michigan in 2002. Since that time it has been discovered in 16 additional states and several locations in Canada.
- EAB was discovered in St. Paul and in Falcon Heights in 2009 and in the vicinity of County Road 1 and Schulte Roads in Shoreview in the summer of 2011, a distance of approximately 2.5 miles from the northwestern border of North Oaks.
- Given the rapid spread of this insect upon its arrival to North America, a proactive approach will allow the City to have greater control over the situation and minimize and better manage the impact and costs of EAB.
- Removal of diseased or declining ash trees will help prevent the more rapid spread and impact of EAB in the community.
- Managed use of optional chemical treatments which have demonstrated efficacy in controlling EAB could be utilized to save ecologically benefitting, aesthetically pleasing, and property value enhancing ash trees.
- Reforesting the City with native tree species will increase the diversity and sustainability of the forest.
- The City of North Oaks is unique in that the city owns no property. All property in the community is privately owned or owned by NOHOA or North Oaks Company.

EMERALD ASH BORER BACKGROUND: THE PROBLEM

Emerald ash borer, (*Agrilus planipennis*), is a small member of the beetle family. It is a non-native (introduced) pest that has killed tens of millions of native and landscape ash trees in eastern North America since it was discovered. The native range for EAB is SE Russia, northern China, Japan and Korea. In the past decade, the exotic beetle found its way to the United States, presumably on solid wood packing material shipped from Asia.

The adult beetle is bright metallic green color, with an elongated, slender body measuring $\frac{1}{2}$ inch long and $\frac{1}{16}$ th of an inch in diameter. EAB undergoes a multi-phase life cycle that generally encompasses a one to three year period. Adults are generally active from mid-June to mid-August. Females lay eggs in the bark of ash trees that take from 7 to 12 days to hatch. Upon hatching the larvae burrow into the nutrient conducting tissue (phloem) where they feed for several weeks. The white to cream colored larvae are flattened with 10 bell shaped segments and a pair of brown pincers on the last segment. The larvae feeding results in a very characteristic S-shaped patterning under the bark called galleries. Large

numbers of larvae feeding in the vascular tissue (tissue that conducts water up from the roots and nutrients down from the leaves) disrupt or stop flow of these vital nutrients resulting in wilting, yellowing, and ultimately the death of the tree. The larvae cease feeding in autumn and over-winter in a pre-pupae stage in the tree. Pupation (transformation from larva to adult beetle) occurs in late April or May with the beetle exiting the trees through characteristic D-shaped holes measuring approximately 1/8th Inch.

Without any natural predators or controls in North America, the insect has spread to 16 states and two Canadian provinces. Millions of ash trees have been killed with some cities reporting complete loss of all ash trees within 5 years of EAB becoming established. There has been no stopping the devastation to the urban forest, though millions of dollars have been spent on prevention methods. In other communities where the insect is now establishing itself, a combination of preemptive removal of low quality ash trees and a mix of chemical treatments has slowed the death of the ash trees allowing communities to manage the problem more efficiently and effectively. The most current research shows that early sanitation efforts have helped slow the spread of EAB in Minnesota. The quick spread of the insect in North America is not due in any large part to the insect. They are relatively weak flyers, only capable of moving about a ½ mile per generation. The beetle has quickly spread demonstrated by the fact that it is estimated to have arrived in SE Michigan 12 years before being detected. In fact, the quick spread of the insect is mostly attributable to human activity and the movement of firewood.

Ash tree debris (branches and trunks) should be brought to Ramsey County Yard Waste Collection Sites for proper sanitation. Stumps will not be accepted and residents are encouraged to grind the stumps out or have a licensed tree contractor apply herbicides to the stump to prevent sprouting. Ash tree debris may remain on the site from which the tree was removed in the form of mulch or firewood. Ash tree debris cannot be moved out of the currently quarantined counties of Ramsey and Hennepin. The less ash wood is moved the better for the community as a whole. If firewood is to be brought in to the community it is most important that it only be purchased from Minnesota Department of Agriculture certified sources:

http://www.mda.state.mn.us/plants/pest_management/firewood/firewooddealers.aspx. This is done to prevent the beetle from accidentally being introduced into North Oaks.

Signs of EAB include:

- Splitting bark and or small "D" shaped exit holes where beetles emerge.
- Serpentine "S" shaped larval galleries underneath the bark.
- The presence of EAB or larvae.

Symptoms of EAB infestation include:

- General thinning of canopy and increasing dieback of the ash tree.
- Increased woodpecker activity (feeding on larvae).
- Sprouting of new growth shoots from the base of the tree.

APPLICABILITY

This plan applies throughout the City and includes all private property, NOHOA land and North Oaks Company land. The City will follow similar policies that have been used in dealing with the Dutch Elm and Oak Wilt diseases, with variations in removal requirements and timing. The City Zoning Ordinance will be revised to reflect the need to manage ash trees and EAB.

EDUCATION AND COMMUNITY OUTREACH

Resident education and ongoing outreach communications are key components of managing the impact of the EAB, especially as more information becomes available. Continued coordinated public information dissemination to residents and the media will be administered through the City's website, newsletters, and social media. Public meetings will be conducted as necessary. The City will maintain a list of resources for homeowners from relevant agencies; see Appendix A for current community resources

As EAB activities occur in isolated neighborhoods, direct communication will be made by the City to advise residents on the current situation of their privately owned trees and activity in their neighborhood.

Homeowners may treat their private trees, provided they use a licensed treatment contractor who adheres to the City's standards to protect surface and ground water.

CURRENT EAB SITUATION

To date, the EAB has not been detected in North Oaks. However, in the summer of 2011 the EAB was detected within the neighboring community of Shoreview in the Shamrock Park Area. Analysis of the infestation showed that the EAB had already been present for 3-4 years. This find now joins finds in Falcon Heights, Roseville, Minneapolis, and St Paul. City forestry crews are constantly looking at ash trees for any sign of beetle activity. The sooner the beetle is found the quicker a proper response can be implemented. It is estimated that more than 7 percent of North Oaks urban forest is composed of ash trees based on a recent Minnesota Department of Natural Resources survey.¹

¹ Minnesota Department of Natural Resources 2010 Community Tree Survey. Survey of front yard and street trees in residential and commercial sampling areas. Ash Trees represented 7% of the top ten tree genera for the City of Shoreview.

MITIGATION POLICIES

Although it is impossible to stop the spread of invasive species like the EAB, the City's EAB Management Plan is created to lessen the impact of the EAB on the City's landscape. The City's mitigation of EAB will be similar to its policies regarding Dutch Elm and Oak Wilt diseases, which attempt to control and prevent the spread of these diseases and limit potential for property damage and bodily injury.

In an effort to mitigate EAB, the City will take the following actions:

1. The City will provide and promote the services of S and S Tree to provide a Tree Inventory and inspection at the residential lot level at reduced rates to help in the EAB assessment process.
2. Removal of EAB infested trees: The City will update its diseased tree ordinance to require the removal of both public and private ash trees infested by the EAB to prevent the spread of the disease. Rules or requirements used for determining infestation will be per the Department of Agriculture or Department of Natural Resources guidelines. This ordinance will allow the City to enter private property for inspection, require the removal of diseased trees, and abate the nuisance upon non-compliance of property owners.

3. **Preemptive removal of declining ash trees:** The City will begin conducting ash tree inventories through the services of the City Forester. Preemptive removal of declining ash trees may be recommended in some areas. This will be the decision of the property owner.
4. **Chemical treatment option:** There are currently three methods of tree treatments being offered in the marketplace; drenching the soil with chemicals, injecting the chemical into the tree, and applying a bark spray. The City will not allow the use of soil drench or bark spray insecticides applied by the homeowner due to potential to pollute water and negatively impact wildlife. The city may allow chemical treatments in situations where deemed most effective and treatments must be handled by properly licensed contractors.

The City maintains guidelines for treatment of ash trees to help control the onset of EAB and considers trunk injections a management tool to utilize on significant trees within parks and along higher profile right of ways, higher volume roads, and Municipal State Aid collector streets. Due to the high cost of reoccurring treatments and the long-term effects of chemical treatments on ash trees, water resources, and the environment, the City shall identify the best candidates for treatment.

The City will permit residents to use chemical treatments on either private ash trees or ash trees in boulevard or trail and open space areas, given the following:

- a. Private contractors are to use only the approved trunk injection method.
- b. The infection treatment application must be done by City licensed tree contractor that is bonded, insured, and state licensed to apply commercial tree chemicals.
- c. Records of all treatments will be maintained by the city.

Reforestation: In an effort to encourage reforestation of private properties, the City will hold an annual tree sale program that allows residents to purchase trees at wholesale prices. The program will offer a variety of tree species that are appropriate for this region, and the City will promote diversity in all public and private plantings.

5. **Wood utilization:** The City will publicize the Minnesota Department of Agriculture's regulations for handling ash wood removal. Ramsey County is currently under a quarantine which prohibits the transportation of wood outside of the County. From September 15th to April 30th EAB-infested trees can be removed and transported only within the quarantine area, as long as they are promptly chipped to the required dimensions, less than 1"x1"x1".

Any storm damaged ash trees during the active growth spring and summer period must be chipped within the area before transportation to kill the EAB larvae. The City will identify marshaling yards for this work as necessary.

Non-infested EAB trees can be removed from September 15th to April 30th using the normal process of transporting un-chipped wood to the Ramsey County Yard Waste Site.

6. **Monitoring and Tracking:** The City will track the spread of EAB in North Oaks and surrounding communities in conjunction with the Department of Agriculture or Department of Natural Resources. The City will also monitor trees that have been treated as reported by

private contractors. The City will conduct a tree inventory to identify replacement and reforestation as time and resources allow.

7. The City and the NRC will provide Education and Resources on the City web page and with local training events and cable channel videos.

SUMMARY

EAB will have a significant impact on North Oaks landscape. The City's plan is designed to inform the public of new infestations, treatment options, removal requirements, and to provide a comprehensive proactive approach to addressing the EAB infestation. The City will also partner with residents, NOHOA, the North Oaks Golf Club and the North Oaks Company to work together on the education and implementation of this plan.

Approved 9/12/2013

www.mda.state.mn.us/plants-insects/noxious-and-invasive-weed-program

The Minnesota Noxious Weed Law (Minnesota Statutes 18.75-18.91) defines a noxious weed as an annual, biennial, or perennial plant that the Commissioner of Agriculture designates to be injurious to public health, the environment, public roads, crops, livestock, or other property. The purpose of the law is to protect residents of the state from the injurious effects of noxious weeds.

There are currently forty-two plant species regulated as noxious weeds in Minnesota. Twenty-three plants are listed as **Prohibited Noxious Weeds** which consist of two regulatory lists - 14 plants listed on the **Prohibited Eradicate List** and 9 plants listed on the **Prohibited Control List**. Fifteen species are listed as **Restricted Noxious Weeds** and four species are listed as a **Specialty Regulated Plants** that can be enforced under specific conditions. **Years following a species name designate when it was listed.**

A. Prohibited Noxious Weeds - Attempts must be made by all landowners to control or eradicate species on these lists. These species cannot be transported illegally or sold in Minnesota.

Eradicate List - must be eradicated by killing the above and belowground parts of the plant.

1.	Palmer Amaranth - 2014	<i>Amaranthus palmeri</i> S. Watson
2.	Oriental Bittersweet - 2010	<i>Celastrus orbiculatus</i> Thunb.
3.	Diffuse Knapweed - 2014	<i>Centaurea diffusa</i> Lam.
4.	Brown Knapweed - 2012	<i>Centaurea jacea</i> L.
5.	Yellow Starthistle* - 2010	<i>Centaurea solstitialis</i> L.
6.	Meadow Knapweed - 2012	<i>Centaurea x moncktonii</i> C.E. Britton
7.	Poison Hemlock - 2017	<i>Conium maculatum</i> L.
8.	Black Swallow-wort - 2012	<i>Cynanchum louiseae</i> Kartesz & Gandhi
9.	Grecian Foxglove - 2010	<i>Digitalis lanata</i> Ehrh.
10.	Common Teasel - 2011	<i>Dipsacus fullonum</i> L.
11.	Cutleaf Teasel - 2011	<i>Dipsacus laciniatus</i> L.
12.	Giant Hogweed* - 2011	<i>Heracleum mantegazzianum</i> Sommier & Levier
13.	Japanese Hops - 2011	<i>Humulus japonicus</i> Siebold & Zucc.
14.	Dalmatian Toadflax - 2011	<i>Linaria dalmatica</i> (L.) Mill.

*Species not known to be in Minnesota, but have been determined to be a threat to invade the state.

Control List - must be controlled preventing the maturation and spread of propagating parts.

1.	Common Barberry - 2016	<i>Berberis vulgaris</i> L.
2.	Narrowleaf Bittercress - 2011	<i>Cardamine impatiens</i> L.
3.	Plumeless Thistle - 1975	<i>Carduus acanthoides</i> L.
4.	Spotted Knapweed - 2001	<i>Centaurea stoebe</i> L. ssp. <i>micranthos</i> (Gugler) Hayek
5.	Canada Thistle - 1872	<i>Cirsium arvense</i> (L.) Scop.
6.	Leafy Spurge - 1992	<i>Euphorbia esula</i> L.
7.	Purple Loosestrife - 1992	<i>Lythrum salicaria</i> L., <i>L. virgatum</i> L.
8.	Wild Parsnip - 2010	<i>Pastinaca sativa</i> L. (Except for non-wild cultivated varieties)
9.	Common Tansy - 2010	<i>Tanacetum vulgare</i> L.

B. Restricted Noxious Weeds - may not be sold, transported illegally, or intentionally planted in Minnesota.

1.	Tree of Heaven - 2016	<i>Ailanthus altissima</i> (Mill.) Swingle
2.	Garlic Mustard - 2013	<i>Alliaria petiolata</i> (M. Bleb) Cavara & Grande
3.	Porcelain Berry - 2016	<i>Ampelopsis brevipedunculata</i> (Maxim.) Trautv.
4.	Crown Vetch - 2016	<i>Securigera varia</i> (L.) - Formerly known as <i>Coronilla varia</i> L.
5.	Wild Carrot/Queen Anne's Lace - 2016	<i>Daucus carota</i> L.
6.	Glossy Buckthorn (and all cultivars) - 1999	<i>Frangula alnus</i> Mill.
7.	Amur Honeysuckle - 2016	<i>Lonicera maackii</i> (Rupr.) Herder
8.	Morrow's Honeysuckle - 2016	<i>Lonicera morrowii</i> A. Gray
9.	Bell's Honeysuckle - 2016	<i>Lonicera x bella</i> Zabel
10.	Common Reed (non-native) - 2013	<i>Phragmites australis</i> (Cav.) Trin. ex Steud. ssp. <i>australis</i>
11.	Common or European Buckthorn - 1999	<i>Rhamnus cathartica</i> L.
12.	Black Locust - 2016	<i>Robinia pseudacacia</i> L.
13.	Multiflora Rose - 2011	<i>Rosa multiflora</i> Thunb.
14.	Tatarian Honeysuckle - 2016	<i>Lonicera tatarica</i> L.
15.	Japanese Barberry Cultivars** - 2017	<i>Berberis thunbergii</i> DC.

**** Japanese Barberry Cultivars Regulated as Restricted Noxious Weeds in Minnesota**

- 'Angel Wings' • 'Antares' • var. *atropurpurea* • 'Bailltwo' (Burgundy Carousel®) • 'Monomb' (Cherry Bomb™)
- 'Crimson Velvet' • 'Erecta' • 'Gold Ring' • 'Ballsel' (Golden Carousel®; *B. koreana* × *B. thunbergii* hybrid) • 'Inermis' • 'Bailgreen' (Jade Carousel®) • 'JN Redleaf' (Ruby Jewel™) • 'JN Variegated' (Stardust™) • 'Keller's' • 'Kobold' • 'Anderson' (Lustre Green™) • 'Marshall Upright' • 'Painter's Palette' • 'Pow Wow' • 'Red Rocket' • 'Rose Glow' • 'Ballone' (Ruby Carousel®) • 'Silver Mille' • 'Sparkle' • 'Tara' (Emerald Carousel®; *B. koreana* × *B. thunbergii* hybrid) • Wild Type (parent species – green barberry)

C. Specially Regulated Plants –shall be handled, controlled or eradicated according to specified regulations.

1. **Poison Ivy** (*Toxicodendron radicans* L. Kuntze and *T. rydbergii* (Small ex Rhdb.) Greene) - 2010
Must be eradicated or controlled for public safety along rights-of-ways, trails, public accesses, business properties open to the public or on parts of lands where public access for business or commerce is granted. Must also be eradicated or controlled along property borders when requested by adjoining landowners.
2. **Japanese Knotweed** (*Polygonum cuspidatum* Seib. & Zucc.) - 2013
3. **Giant Knotweed** (*Polygonum sachalinense* F. Schmidt ex Maxim.) - 2013
Any person, corporation, business or other retail entity distributing Japanese and/or giant knotweeds for sale within the state, must have information directly affixed to the plant or container packaging that it is being sold with, indicating that it is inadvisable to plant this species within 100 feet of a water body or its designated flood plain as defined by Minnesota Statute 103F.111, Subdivision 4.
4. **Amur Maple** (*Acer ginnala* Maxim.) - 2016
Sellers shall affix a label that advises buyers to only plant Amur maple and its cultivars in landscapes where the seedlings will be controlled by mowing or other means. Amur maple should be planted at least 100 yards from natural areas.

D. County Noxious Weeds

County Noxious Weeds are plants that are designated by individual county boards to be enforced as prohibited noxious weeds within the county's jurisdiction and must be approved by the Commissioner of Agriculture, in consultation with the Noxious Weed Advisory Committee. Each county board must submit newly proposed County Noxious Weeds to the Minnesota Department of Agriculture for review. Approved County Noxious Weeds shall also be posted with the county's general weed notice prior to May 15th each year. Counties are solely responsible for developing County Noxious Weed lists and their enforcement. **Contact your local County Agricultural Inspector or Designated Employee for more information on County Noxious Weeds**

www.mda.state.mn.us/plants/pestmanagement/weedcontrol/callist

Adding species to County Noxious Weed Lists

It is up to an individual county to determine if they will have a designated county noxious weed list and the process for selection of species to be added to the list. If the county board of commissioners establishes a county noxious weed list, townships wanting to add species should pass a resolution with the county's Township Association showing that the representative of townships for that county are in favor of adding a particular species and enforcing it. This resolution can then be submitted to the County Agricultural Inspector or Designated Employee for that jurisdiction. It is still up to the county board of commissioners to decide if they want to list and enforce any species submitted to them via the township association or other entities. Minnesota Department of Agriculture approved County Noxious Weed Lists can be enforced by authorized agents of the commissioner under the Minnesota Noxious Weed Law as outlined in *Minnesota Statutes 18.80 – 18.81*.

Townships can also use their local ordinance process to regulate plant species that are not listed by the county or state. Enforcement of species listed via a municipal ordinance is the responsibility of municipal authorities and cannot be regulated under or associated with the Minnesota Noxious Weed Law - *MS 18.75 – 18.91*.

Additional resources for regulated noxious weeds and non-regulated invasive plants in Minnesota

MDA Website - www.mda.state.mn.us/plants-insects/noxious-and-invasive-weed-program

MN DOT Website - www.dot.state.mn.us/roadsides/vegetation/pdf/noxiousweeds.pdf

MN DNR Website - www.dnr.state.mn.us/invasives/terrestrialplants/index.html

MN BWSR Cooperative Weed Management Areas - <http://www.bwsr.state.mn.us/grants/cwms/CWMA.html>



Rehder Forestry Consulting

September 9th, 2019

RE: NOHOA NEST CUP

City of North Oaks
100 Village Center Dr., Suite #200
North Oaks, MN 55127

Staff and Planning Commission,

In my role as City Forester I've been asked to make comments on the recently submitted NEST CUP. As you are aware, I am also retained for services by the North Oaks Homeowners Association to act as a Natural Resource Coordinator of sorts and I helped draft the document that is the NEST CUP. The NEST CUP addresses certain beneficial practices that compliment,

- the Cities EAB Management Plan,
- the Shoreline Management Act and shoreline stabilization and enhancement projects,
- as well as the Association's campaign against invasive species.

Multiple CUP's have been awarded in the past that have fallen under the umbrella of the aforementioned projects. I view my role with the Association as similar to my role for the City and make sure that NOHOA projects follow all governing laws and regulations.

In all their projects the Association has always followed best management practices, have acquired all necessary permits and licenses, and have kept the City informed of their intentions. The Association does not anticipate any changes in operation for future NEST CUP projects if approved.

City Conditions for Granting NEST CUP:

- 1) Inform the City of NEST CUP projects as soon as possible before field work takes place with a courtesy email to City Administrator, City Forester, and staff.
- 2) Adhere to recommendations and stipulations of the Cities Emerald Ash Borer Management Plan and BMP's.
- 3) NOHOA staff and vendors will be licensed in pesticide application by the MN Department of Agriculture.
- 4) All necessary State, County, City, or local units of government permits will be acquired before projects start.

Sincerely,

Mark Rehder

Recap of Ash Trees Involved in 2015 CUP



Red- Remove (113)
Blue= Inject (70)
White= Monitor (498)

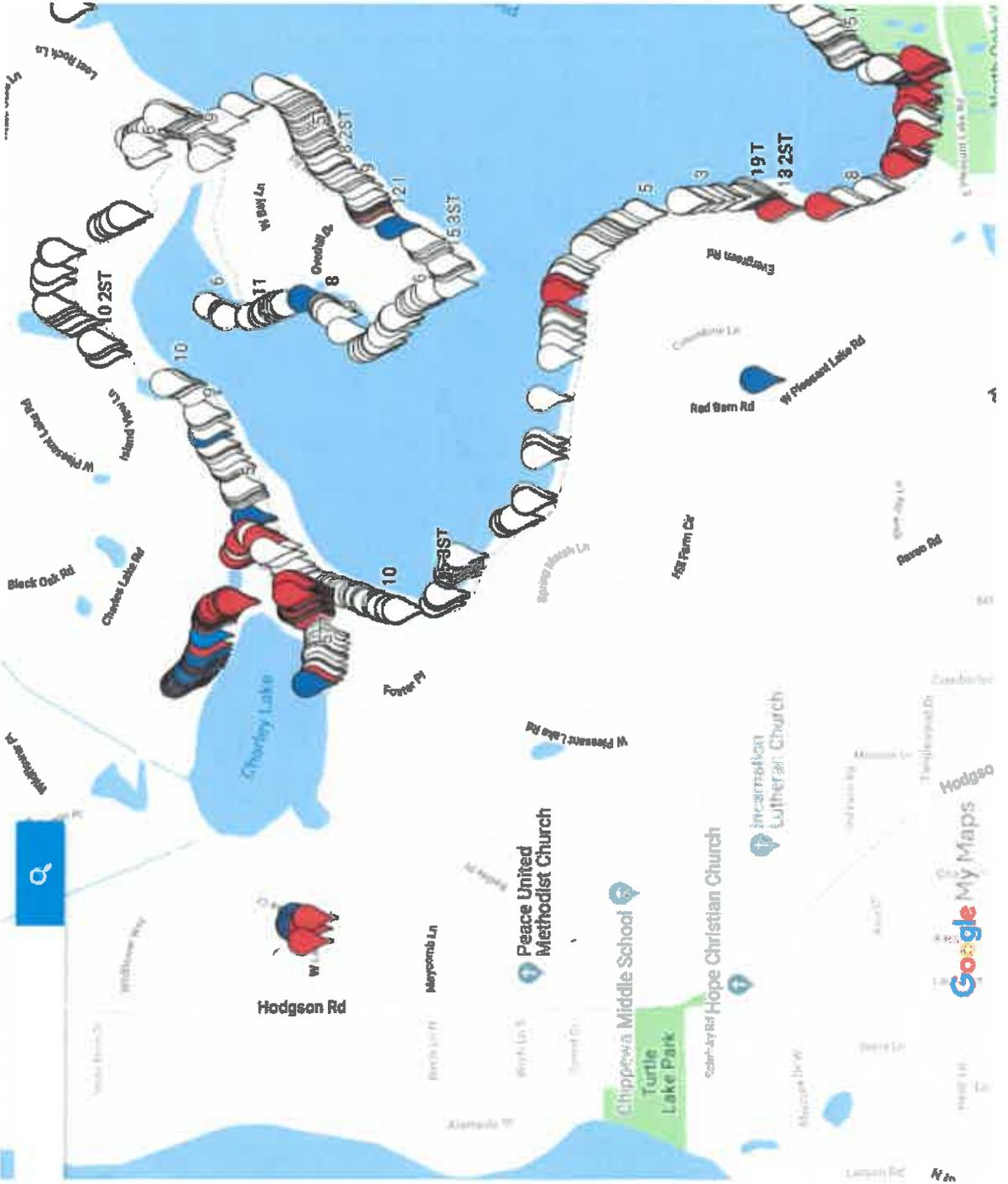
Most trees in red have been removed.

More detail is provided in the following pages.

Most of the "Monitor" trees are trees that could impact the trails and will be the future focus of removals.

All injections (blue) of high value ash trees or trees having a function in the landscape have continued through 2019 as planned.

Ash Trees on West Side of Pleasant Lake



Ash Trees on North Side of Pleasant and Deep Lake



Ash Trees on the East Side of North Oaks, (East Rec, Wilkinson and Deer Hills)

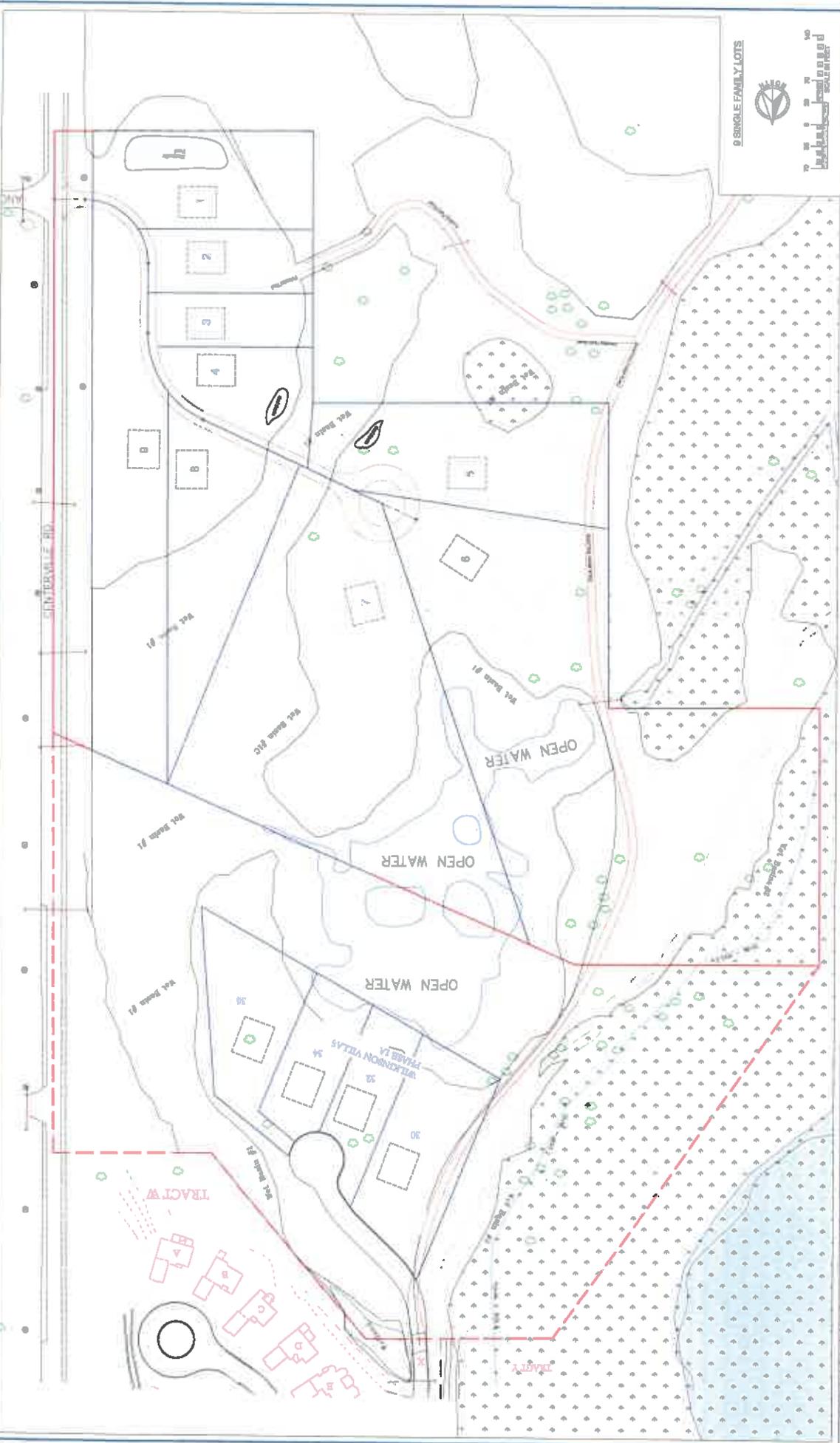


MEMO

Date: September 19, 2019
To: Planning Commissioners
From: City Administrator Mike Robertson
Re: Anderson Woods South Concept Plan

North Oaks Company has submitted a Concept Plan known as Anderson Woods South. The northern part of Anderson Woods was approved for four townhomes in May. This concept plan is similar to the concept plan for the south part of Anderson Woods that was shown to the City Council at their May, 2019 meeting. The plan shows nine single family homes which will be served by sewer and water. The nine homes would bring the housing units on the Anderson Woods parcel to thirteen, which meets the original amount from the East Oaks PDA. That amount was ten, plus the allowed 30% bonus.

Concept Plans do not require a vote from the Planning Commission. Fell free to give your opinions on what they are proposing.



9 SINGLE FAMILY LOTS

CONCEPT PLAN 08/19/2019
 ANDERSON WOODS SOUTH
 NORTH OAKS COMPANY

CITY AND COUNTY: NORTH OAKS, MINNESOTA

SATHRE-BERGOJIST, INC.
 100 SOUTH BROADWAY, MINNEAPOLIS, MN 55402



I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION HAS BEEN PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF MINNESOTA.

I HAVE CONDUCTED A VISUAL INSPECTION AND CONSIDERATION OF THE PROJECT AND I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY FOR THE ACCURACY OF THE INFORMATION AND DATA PROVIDED HEREON. THE USER OF THIS PLAN OR SPECIFICATION SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES.

NO.	DATE	DESCRIPTION
1	08/19/2019	CONCEPT PLAN
2		
3		
4		
5		
6		
7		
8		
9		
10		